



California Regulatory Notice Register

REGISTER 2010, NO. 16-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

APRIL 16, 2010

PROPOSED ACTION ON REGULATIONS

TITLE 2. FAIR EMPLOYMENT AND HOUSING COMMISSION

Pregnancy Regulations — Notice File No. Z2010-0405-01 563

TITLE 2. BUREAU OF STATE AUDITS

Voters FIRST Act — Notice File No. Z2010-0406-10 568

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

Mediterranean Fruit-Fly Interior Quarantine — Notice File No. Z2010-0406-02 571

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

Mediterranean Fruit-Fly Interior Quarantine — Notice File No. Z2010-0406-03 573

TITLE 3. DEPARTMENT OF PESTICIDE REGULATION

Methyl Bromide Field Fumigation — Notice File No. Z2010-0401-01 574

TITLE 3. DEPARTMENT OF PESTICIDE REGULATION

Qualified Applicator Licensing and Certification Subcategories — Notice File No. Z2010-0405-02 578

TITLE 5. COMMISSION ON TEACHER CREDENTIALING

Definitions and Terms Related to Application Forms — Notice File No. Z2010-0406-01 582

TITLE 11. DEPARTMENT OF JUSTICE

Changes to Fingerprint Rolling Certification — Notice File No. Z2010-0406-05 584

TITLE 11. DEPARTMENT OF JUSTICE/BUREAU OF GAMBLING CONTROL

Schedule of Investigation and Processing Costs — Notice File No. Z2010-0325-01 587

TITLE 14. SIERRA NEVADA CONSERVANCY

Conflict of Interest Code — Notice File No. Z2010-0406-04 590

TITLE 16. CALIFORNIA ARCHITECTS BOARD

Experience Evaluation — Notice File No. Z2010-0406-07 591

(Continued on next page)

***Time-
Dated
Material***

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND GAME
CESA Consistency Determination Request for CordeValley Golf Course Project, Santa Clara County 593

DEPARTMENT OF FISH AND GAME
Consistency Determination Request for Markeley Road Extension Project, Solano County 593

DEPARTMENT OF FISH AND GAME
Consistency Determination Request for Palermo–Colgate–Rio Oso 230 kV Transmission Line Project, Butte, Sutter and Yuba Counties 594

SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State 594

Sections Filed, November 4, 2009 to April 7, 2010 596

The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

CALIFORNIA REGULATORY NOTICE REGISTER (USPS 002–931), (ISSN 1041-2654) is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by Barclays, a subsidiary of West, a Thomson Reuters Business, and is offered by subscription for \$205.00 (annual price). To order or make changes to current subscriptions, please call (800) 888-3600. “Periodicals Postage Paid in Saint Paul, MN.” **POSTMASTER:** Send address changes to the: CALIFORNIA REGULATORY NOTICE REGISTER, Barclays, a subsidiary of West, a Thomson Reuters Business, P.O. Box 2006, San Francisco, CA 94126. The Register can also be accessed at <http://www.oal.ca.gov>.

PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by Thomson Reuters.

TITLE 2. FAIR EMPLOYMENT AND HOUSING COMMISSION

TITLE 2, SECTIONS 7291.2–7291.16 SEX DISCRIMINATION: PREGNANCY, CHILDBIRTH OR RELATED MEDICAL CONDITIONS

Notice published April 16, 2010

NOTICE OF PROPOSED RULEMAKING

The California Fair Employment and Housing Commission (“Commission”) proposes to amend existing sections 7291.2–7291.16, “Sex Discrimination: Pregnancy, Childbirth or Related Medical Conditions,” after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARINGS

The Commission will hold two public hearings:

- In Los Angeles, starting at 10 a.m. on Tuesday, June 1, 2010, at the Ronald Reagan State Office Building Auditorium, 300 South Spring Street, ground floor, Los Angeles, California. The Auditorium is wheelchair accessible.
- In San Francisco, starting at 10 a.m. on Wednesday, June 2, 2010, at the Hiram Johnson State Building Auditorium at 455 Golden Gate Avenue, basement level, San Francisco, California. The Auditorium is wheelchair accessible.

At each hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The Commission requests but does not require that persons who make oral comments at the hearing also submit an electronic or written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the

proposed regulatory action to the Commission. The written comment period closes at **5 p.m. on June 2, 2010**. The Commission will consider only comments received at the Commission offices, delivered in person to Commission personnel at either public hearing referenced above, or through Commission email by that time. The Commission’s preference is to receive comments through email. Submit comments to:

regs@fehca.gov

or

Ann M. Noel
Executive and Legal Affairs Secretary
Fair Employment and Housing Commission
455 Golden Gate Avenue, Suite 10600
San Francisco, CA 94102

AUTHORITY AND REFERENCE

Government Code section 12935, subdivision (a), authorizes the Commission to amend the proposed regulations, which would implement, interpret, or make specific sections 12926, 12940, 12943 and 12945 of the Government Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Commission proposes to amend existing sections 7291.2–7291.16 in Title 2 of the California Code of Regulations (CCR) regarding Sex Discrimination: Pregnancy, Childbirth or Related Medical Conditions.

The purpose of the proposed amended regulations is to update the Commission’s regulations on pregnancy to conform to statutory changes to the Fair Employment and Housing Act passed in 1999 (Stats. 1999, c. 591 (A.B. 1670, § 9) and 2004 (Stats. 2004, c. 647 (A.B. 2870, § 5)). The 1999 legislation amended Government Code section 12945, to require employers to reasonably accommodate female employees affected by pregnancy, childbirth or related medical conditions. (A.B. 1670) (Former Gov. Code § 12945, subd. (c)(1), now at Gov. Code § 12945, subd. (b)(1).) The 2004 legislation (A.B. 2870) amended Government Code section 12945 to eliminate distinctions between employers with 15 or more employees covered by Title VII of the Civil Rights Act of 1964 (Pub. L. 88–352) (42 U.S.C. § 2000e, et seq.) and employers with 5 to 14 employees, covered only by the Fair Employment and Housing Act (FEHA)(Gov. Code § 12900, et seq.). Both of these changes were characterized as minor by the authors and by all legislative bill analysts, with no fiscal impact to employers.

These proposed amended regulations also provide more clarity and guidance to employers and employees

regarding preventing discrimination based on pregnancy, childbirth or related medical conditions and reasonable accommodation, transfer and disability leave for woman affected by pregnancy, childbirth or related medical conditions, as mandated by Government Code sections 12940, 12943 and 12945.

Government Code section 12926, subdivision (p), provides in relevant part that “sex” includes, but is not limited to, pregnancy, childbirth, or medical conditions related to pregnancy or childbirth.

Government Code section 12940, subdivision (a), prohibits, in relevant part, sex discrimination in hiring, employing, training, firing, or in terms or conditions of employment.

Government Code section 12940, subdivision (b), prohibits, in relevant part, labor organizations from discriminating on the basis of sex in union membership.

Government Code section 12940, subdivision (c), prohibits, in relevant part, sex discrimination in the selection or training of an individual in any apprenticeship training program or other program leading to employment.

Government Code section 12940, subdivision (d), prohibits, in relevant part, sex discrimination in the advertising of jobs or in any other way in the employment process.

Government Code section 12940, subdivision (h), prohibits, in relevant part, retaliation for opposing sex discrimination.

Government Code section 12940, subdivision (i), makes unlawful, in relevant part, aiding, abetting, inciting, compelling, or coercing the doing of any of the acts forbidden by the FEHA, or to attempt to do so.

Government Code section 12940, subdivision (j), forbids, in relevant part, harassment on the basis of sex.

Government Code section 12940, subdivision (k), makes it an unlawful employment practice for employers, labor organizations, employment agencies, apprenticeship training programs, or any training program leading to employment to fail to take all reasonable steps to prevent discrimination and harassment from occurring.

Government Code section 12943 prohibits school districts from discriminating against employees on the basis of pregnancy in hiring, training program selection, firing, or in terms, conditions or privileges of employment.

Government Code section 12945 provides that in addition to the provisions governing pregnancy, childbirth or related medical conditions in sections 12926 and 12940, it is an unlawful employment practice unless based on a bona fide occupational qualification.

Government Code section 12945, subdivision (a), for an employer to refuse to allow a female employee disabled by pregnancy, childbirth or related medical

conditions to take a pregnancy disability leave of up to four months, for the period of time that the employee is disabled, and thereafter return to work. An employer may require an employee who plans to take a leave to give the employer reasonable notice of the beginning and duration of the leave.

Government Code section 12945, subdivision (b)(1), for an employer to fail to reasonably accommodate an employee for conditions related to pregnancy, childbirth or related medical conditions, if she so requests, with the advice of her health care provider.

Government Code section 12945, subdivision (b)(2), for an employer who has a policy, practice, or collective bargaining agreement requiring or authorizing the transfer of temporarily disabled employees to less strenuous or hazardous positions for the duration of the disability to refuse to transfer a pregnant female employee who so requests.

Government Code section 12945, subdivision (b)(3), for an employer to refuse to temporarily transfer a pregnant female employee to a less strenuous or hazardous position for the duration of her pregnancy if she so requests, with the advice of her physician, where that transfer can be reasonably accommodated. The employer is not required to create additional employment that the employer would not have otherwise created, to discharge another employee, to transfer another employee with more seniority, or promote any employee who is not qualified to perform the job.

Government Code section 12945, subdivision (c), states that section 12945 is not to be construed to affect any other provision of law relating to sex discrimination or pregnancy, or in any way to diminish the coverage of pregnancy, childbirth or medical conditions related to pregnancy or childbirth under any other provisions of the FEHA, including section 12940, subdivision (a).

Government Code section 12935, subdivision (a), authorizes the Commission to adopt regulations to implement, interpret and make specific these requirements.

As amended, the Commission’s regulations on pregnancy, childbirth or related medical conditions provide the following:

Section 7291.2, subdivision (a), defines terms used in Government Code sections 12926, 12940, 12943 and 12945 and these regulations, including, inter alia: “affected by pregnancy,” “because of pregnancy,” “CFRA,” “employee disabled by pregnancy,” “employer,” “employment in the same position,” “employment in a comparable position,” “FMLA,” “four months,” “health care provider,” “intermittent leave,” “medical certification,” “pregnancy disability leave,” “reasonable accommodation,” “reduced work

schedule,” “related medical condition,” and “transfer”.

Section 7291.3 provides that there is no eligibility requirement before an employee affected or disabled by pregnancy is eligible for reasonable accommodation, transfer or disability leave.

Section 7291.4 provides that discrimination because of pregnancy by any covered entity constitutes discrimination because of sex.

Section 7291.5 sets forth responsibilities of employers prohibiting discrimination because of pregnancy in hiring, training programs selection; promotion; firing; pregnancy health benefits; employment terms; harassment, retaliation; reasonable accommodation; transfer; pregnancy disability leave, or other discrimination.

Section 7291.6 provides for reasonable accommodation for employees affected by pregnancy, childbirth or related medical conditions.

Section 7291.7 provides for transfer for employees affected by pregnancy.

Section 7291.8 provides for pregnancy disability leave for employees disabled by pregnancy.

Section 7291.9 provides for reinstatement from pregnancy disability leave.

Section 7291.10 provides for terms of pregnancy disability leave.

Section 7291.11 covers the relationship between pregnancy disability leave and the federal Family and Medical Leave Act (FMLA).

Section 7291.12 covers the relationship between pregnancy disability leave and the California Family Rights Act (CFRA).

Section 7291.13 covers remedies for violating Government Code sections 12940, 12943 and 12945.

Section 7291.14 provides the requirements for employers to give notice to their employees of their rights and obligations for reasonable accommodation, transfer and pregnancy disability leave.

Section 7291.15 provides for employee requests for reasonable accommodation, transfer or pregnancy disability leave, advance notice, medical certification and employer response to these requests.

DISCLOSURES REGARDING THE PROPOSED ACTION

(All exhibits referenced in this document are available on the Commission’s website at www.fehc.ca.gov.)

The Commission has made the following initial determinations:

Legislative history for both 1999 legislation (Stats. 1999, c. 591 (A.B. 1670, § 9)) and 2004 legislation (Stats. 2004, c. 647 (A.B. 2870, § 5)) amending provisions covering pregnancy discrimination, indicate that the Legislature did not believe that either legislation had any fiscal impact for employers. See Assembly Committee on Appropriations Fiscal Summary for the May 26, 1999 hearing on A.B. 1670 prepared by consultant Chuck Nicol,¹ and the Senate Committee on Appropriations August 30, 1999 hearing on A.B. 1670, prepared by consultant Lisa Matocq.² Neither of these analyses noted any costs attributable to employers for the portion of the legislation amending FEHA’s pregnancy provisions. Similarly, the Assembly Appropriations Committee Fiscal Summary for the May 5, 2004 hearing on A.B. 2870 prepared by consultant Stephen Shea³ did not note any costs attributable to employers.

Mandate on local agencies and school districts: None.
Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Other nondiscretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or businesses: The Commission estimates that the total statewide costs that businesses may incur to comply with these amended regulations over a three year period would be **\$11,872,916**. The proposed regulations clarify sections 12926, 12940, 12943 and 12945 and impose no further costs. The Commission arrived at this figure with the following calculations, assumptions and estimates:

According to labor data obtained from the Employment Development Department, there are approximately 4,357,182 women between the ages of 16 and 44 that are employed in California.⁴ General fertility rates for

¹ Available at: http://www.leginfo.ca.gov/pub/99-00/bill/asm/ab_1651-1700/ab_1670_cfa_19990524_163820_asm_comm.html (Ex. A).

² Available at: http://www.leginfo.ca.gov/pub/99-00/bill/asm/ab_1651-1700/ab_1670_cfa_19990908_143603_sen_comm.html (Ex. B).

³ Available at: http://www.leginfo.ca.gov/pub/03-04/bill/asm/ab_2851-2900/ab_2870_cfa_20040504_152353_asm_comm.html (Ex. C).

⁴ “Sex By Age By Employment Status for the Population 16 Years and Over,” Universe: Population 16 years and older, Data Set Census 2000 Summary File 4 (SF 4) — Sample Data (2000) (hereinafter PCT 79) available at <http://www.calmis.ca.gov/FILE/Census2000/LFbySexbyAge.xls> (Ex. D).

this population are 71.3 per thousand.⁵ Approximately 310,654 (4,357,182 x 71.3) of these women are expected to become pregnant in any given year with 52% of those women, or 161,540 (310,654 x 52%) continuing to work until they deliver.⁶

Cost of average pregnancy reasonable accommodation:

\$500

Department of Public Health statistics indicate that the average number of prenatal visits is 9–12 visits.⁷ It is assumed that each prenatal care visit would require 1–2 hours of leave time from work, which would result in an impact of 24 hours per pregnant employee receiving prenatal care that an employer would have to cover for while absent or accept reduced productivity due to the absence. According to a National Institute of Health study,⁸ 86.3% or 142,475 (161,540 x 86.3%) women in California receive prenatal care.

According to the latest EDD Quarterly Wage Information report,⁹ the average monthly wage for females in California for the last three quarters of 2008 was \$3,315.00. Assuming this compensation rate, the average impact to employers for employees receiving prenatal care is approximately \$500 per pregnant employee. ($\$3315 \div 4 \text{ weeks} \div 40 \text{ hours} \times 24 \text{ hours} = \497 , rounding up to \$500.)

A study conducted by University of California Berkeley researchers¹⁰ reveals that one in three Califor-

nia women take advantage of pregnancy benefits prior to delivery. ($142,475 \div 3 = 47,491$). The overall cost to California businesses to accommodate pregnant employees is estimated to be approximately \$23,745,833 annually. ($\$500 \times 47,491$.)

Assuming that approximately 50% of employers are already providing reasonable accommodations to pregnant employees and that half of the accommodations would result in employers allowing flexible scheduling to accommodate the increased time off,¹¹ the net impact to state employers would be approximately \$11,872,916 (1/2 of \$23,745,833). Spread across the approximately 405,874 businesses that employ 5 or more employees in California within child bearing age, this estimate would result in an impact of \$29 for each business. ($\$11,872,916 \div 405,874$.)

Legislative analysis of AB 1670 (the bill requiring “employers to provide reasonable and measured accommodations to pregnant employees”) indicates that the Legislature “intended to permit employers to allow pregnant employees to remain in their current positions for longer time periods without the need for transfer, while assuring that less costly and disruptive steps (such as simply permitting more frequent restroom breaks or rest periods) are taken for pregnant employees who do not want or need to be transferred from their current positions.”¹² Therefore, the Legislature’s understanding was that the cost of accommodations provided for by the statute would be de minimus. Additionally, any accommodation that would impose an undue hardship on an employer would not be required by the regulations.¹³

The Legislature’s assumption that minor accommodations for employees affected by pregnancy or related medical conditions short of transfer or leave would be of no or little cost to employees is consistent with research conducted by the Department of Labor, Office of Disability Policy Job Accommodation Network (JAN) about the types of accommodations needed for a broad spectrum of disabled employees in the work place.¹⁴ A JAN 2008–2009 survey of 366 employers

⁵ California Department of Public Health TABLE 2–30. GENERAL FERTILITY RATES, TOTAL FERTILITY RATES, AND BIRTH RATES BY AGE AND RACE/ETHNIC GROUP OF MOTHER, CALIFORNIA, 2002–2006 available at <http://www.cdph.ca.gov/data/statistics/Documents/VSC-2006-0230.xls> (Ex. E).

⁶ Guendelman, Pearl, Graham, Angulo and Kharrazi, “Utilization of Pay-in Antenatal Leave Among Working Women in Southern California,” *Maternal and Child Health Journal*, Vol. 10, No. 1, January 2006, p. 63, 66 (Ex. F).

⁷ California Department of Public Health, Table 2–9. NUMBER AND PERCENT OF LIVE BIRTHS BY NUMBER OF PRENATAL VISITS AND RACE/ETHNIC GROUP OF MOTHER, CALIFORNIA, 2006 available at <http://www.cdph.ca.gov/data/statistics/Documents/VSC-2006-0209.pdf> (Ex. G).

⁸ Rittenhouse, Marchi, Braveman, “Improvements in Prenatal Care Utilization and Insurance Coverage in California: An Unsung Public Health Victory?” ABSTR ACAD HEALTH SERV RES HEALTH POLICY MEET. 2002; 19: 23, Family and Community Medicine & Institute for Health Policy Studies, University of California, San Francisco, available at <http://gateway.nlm.nih.gov/MeetingAbstracts/ma?f=102273714.html> (Ex. H).

⁹ Source: LEHD State of California County Reports — Quarterly Workforce Indicators, Third Quarter, 2008, Age Group 14–99, Gender, Female, available at <http://www.labormarketinfo.edd.ca.gov/?pageid=127>. No more current data is available. (Ex. I).

¹⁰ Source: University of California Newsroom article: Few Women Take Pregnancy Leave in California, Study Finds (available at: <http://www.universityofcalifornia.edu/news/article/8035> (Ex. J)).

¹¹ Source: Job Accommodation Network, “Workplace Accommodations: Low Cost, High Impact,” p. 2, last updated September 1, 2009 and available at <http://www.jan.wvu.edu/media/LowCostHighImpact.doc> (Ex. K).

¹² Assem. Com, on Judiciary, Rep. on Assem. Bill No. 1670 (1999–2000) as amended May 6, 1999, p. 11, available at http://www.leginfo.ca.gov/pub/99-00/bill/asm/ab_1651-1700/ab_1670_cfa_19990513_122013_asm_comm.html, last visited December 1, 2009 (Ex. L).

¹³ Gov. Code § 12940, subd. (m); Proposed amended Cal. Code Regs., tit. 2, § 7291.6, subd. (a)(2).

¹⁴ Source: Job Accommodation Network, “Workplace Accommodations: Low Cost, High Impact,” p. 2, last updated September 1, 2009 and available at <http://www.jan.wvu.edu/media/LowCostHighImpact.doc> (Ex. K).

found that 56% of all job accommodations for persons with disabilities came to no cost to the employer.¹⁵

In general, pregnancy accommodation can be expected to be less costly than average disability accommodations because no special equipment is usually needed to accommodate a pregnant woman and the accommodation is needed for a short, finite period of time. The Commission's proposed pregnancy regulations amendments follow legislative changes to permit employers to implement minor accommodations that are less costly than transferring an employee or requiring an employee to take a pregnancy disability leave (already required prior to the 1999 and 2004 amendments): seven of the eight accommodations required by the proposed regulation will impose no additional cost on employers, as noted in the Commission's Fiscal Impact Statement.

Initial cost for California employers to provide reasonable accommodations for 47,491 affected employees \$11,872,916 or \$0–\$500 per employer.

Cost over three years to provide reasonable accommodation \$11,872,916

The Commission estimated an initial cost for California employers by multiplying \$500 (the approximate cost for an individual employer whose employee takes 9–12 prenatal visits) by 47,491 to reach \$23,745,833 divided by two because the Commission assumed that half of California employers were already providing reasonable accommodations to employers and half of the accommodations would result in employers allowing flexible scheduling to accommodate the increased time off. The Commission assumed that a fertile employee would be pregnant once in three years, so that the cost over three years would not exceed the initial estimate.

The proposed regulations do not impose any additional costs beyond the statute.

Adoption of these regulations will not:

- (1) create or eliminate jobs within California.
- (2) create new businesses or eliminate existing businesses within California; or
- (3) affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: None.

Small Business Determination

The Commission has determined that the proposed regulations will affect all businesses with five or more

employees, including, potentially, 405,874 businesses with 5 to 50 employees.¹⁶

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Commission must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Commission invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSON

Inquiries concerning the proposed administrative action may be directed to:

Ann M. Noel, Executive and Legal Affairs Secretary

or Caroline L. Hunt, Administrative Law Judge
Fair Employment and Housing Commission
455 Golden Gate Avenue, Suite 10600
San Francisco, CA 94102
Telephone: (415) 557–2325
Facsimile: (415) 557–0855
regs@fehcc.ca.gov

Please direct requests for copies of the proposed text (the “express terms”) of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Ms. Noel or Judge Hunt at the above address.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Commission will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of rea-

¹⁵ *Id.*

¹⁶ Source: Employment Development Department, Labor Market Information Division, Table 1, Number of Businesses, Number of Employees, and Third Quarter Payroll by Size of Business, State of California, Third Quarter, 2008 (hereinafter “EDD Table 1”) available at <http://www.labormarketinfo.edd.ca.gov/?pageid=138> [to download Excel spreadsheet]. Businesses with 5 or more employees were added to reach 405,874. More current data is not available. (Ex. M).

sons. Copies may be obtained by contacting Ann M. Noel at the address or phone number listed above, or by downloading copies from the Commission's website at www.fehc.ca.gov.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearings and considering all timely and relevant comments received, the Commission may adopt the proposed regulations substantially as described in this Notice. If the Commission makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Commission adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Ann M. Noel at the address indicated above. The modified text will also be available on the Commission's website at www.fehc.ca.gov. The Commission will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Ms. Noel at the above address or on the Commission's website at www.fehc.ca.gov.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action including all exhibits, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at www.fehc.ca.gov.

TITLE 2. BUREAU OF STATE AUDITS

NOTICE OF PROPOSED RULEMAKING

TITLE 2, DIVISION 10: CALIFORNIA CODE OF REGULATIONS REGARDING THE VOTERS FIRST ACT

NATURE OF PROCEEDING

NOTICE IS HEREBY GIVEN that the State Auditor is proposing to adopt the following sections in Title 2, Division 10 of the California Code of Regulations:

60804.1, 60815.1, 60820.1, 60856, 60857, 60858, 60859, 60860, 60861, 60862, and 60863; to amend sections, 60841, 60846, 60853 and 60855.

A public hearing has been scheduled for June 1, 2010. The hearing will be held beginning at 10 a.m. at Bureau of State Audits, 555 Capitol Mall, 5th Floor Training Room, Sacramento, California 95814.

Notice is also given that any interested person or his or her duly authorized representative may submit written comments relevant to the proposed regulations to:

Gloria Gamino, Legal Analyst
Bureau of State Audits
555 Capitol Mall, Suite 300
Sacramento, California 95814
Telephone (916) 445-0255
Fax: (916) 319-9295

All written comments must be received by the Bureau of State Audits (the "bureau") no later than 5 p.m. on June 1, 2010, the final day of the written comment period, in order for the comments to be considered by the bureau.

Following the written comment period, the State Auditor may adopt the proposed regulations substantially as described in this notice. If modifications are made that are sufficiently related to the originally proposed text, the full modified text with changes clearly indicated shall be made available to the public for at least 15 days prior to the date on which the bureau adopts the resulting regulations. A request for copies of any modified regulations should be made to the contact person named below. The bureau will accept written comments on any modified regulations for 15 days after the date on which they are first made available to the public.

AUTHORITY AND REFERENCE

Pursuant to the authority vested in it by Government Code section 8546, and to implement, interpret, or make more specific article XXI, section 2 of the California Constitution and Government Code sections 8252, 8252.5, 8253, 8253.5 and 8253.6, the State Auditor proposes to adopt the regulations identified under the heading Nature of Proceeding above.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Voters FIRST Act

The Voters FIRST Act, approved by the voters in the November 4, 2008 general election as Proposition 11 (the "Act")¹, requires the State Auditor to initiate an ap-

¹ The Voters FIRST Act is contained in article XXI of the California Constitution and sections 8251 through 8253.6 of the Government Code. All subsequent statutory references are to the Government Code, unless otherwise indicated.

plication process for selecting the members of the Citizens Redistricting Commission (the “commission”). The commission, composed of fourteen members, is responsible for redrawing district lines for the Senate, Assembly, and State Board of Equalization based on the most recent census information. To serve as a member of the commission, an applicant must be a registered California voter who has voted in at least two of the last three statewide general elections prior to submitting an application and has been continuously registered with the same political party, or no political party, for at least five years immediately prior to appointment. Additionally, an applicant cannot have a conflict of interest, as defined by the Act. The Act also makes those who are selected to serve on the commission ineligible to hold elective public office at the federal, state, county, or city level for 10 years, and ineligible to hold appointive federal, state, or local public office for five years, from the date of appointment to the commission.

The Act requires the State Auditor to select the Applicant Review Panel (the panel) that will review the applications of persons wishing to serve on the commission. On November 16, 2009, the State Auditor selected this panel by randomly drawing the names of three auditors from a pool of qualified independent auditors who are licensed by the State Board of Accountancy and have ten or more years of experience working as an independent auditor. Under the Act, the panel evaluates all of the applications submitted by eligible applicants, and based on that evaluation, identifies a pool of 60 of the most qualified applicants. This pool of 60 applicants must consist of three subpools of 20 applicants each, with one subpool comprised of applicants registered with the state’s largest political party, another subpool comprised of applicants registered with the state’s second largest political party, and a third subpool comprised of applicants not registered with either of the state’s two largest political parties. The State Auditor sends a list of the names of the 60 most qualified applicants to specified leaders in the Legislature who may strike not more than eight applicants from each of the three subpools. The legislative leaders are then required to return the remaining names to the State Auditor, who randomly draws from the names of applicants not stricken in each of the subpools three applicants registered with the largest political party, three applicants registered with the second largest political party, and two applicants not registered with either of the two largest political parties. These applicants drawn by the State Auditor become the first eight members of the commission. Those first eight members of the commission select the final six members of the commission from the applicants remaining in the three subpools.

The State Auditor adopted regulations on October 20, 2009 that relate to the following subject areas of the Act: the creation and operation of the panel; a comprehensive outreach program designed to increase awareness of the opportunity to serve on the commission; several phases of the application process; the method for screening applicants to determine whether they meet the eligibility requirements to serve on the commission; the process for evaluating applicants to identify the pool of 60 of the most qualified applicants; the procedure for transmitting a list of the names of the 60 finalists to the Legislature; and the process for randomly drawing the first eight members of the commission. (Cal. Code Regs., tit. 2, § 60800 et seq.). This prior rulemaking package did not address the final stage of the application process, wherein, pursuant to section 8252, subdivision (g), the first eight randomly selected members of the commission choose the final six members of the commission. The prior regulations did not address the provisions of the Act that make those who are selected to serve on the commission ineligible to hold certain elective or appointive public offices, for ten and five years respectively, from the date of appointment. The prior regulations also did not address the provisions of the Act that restrict a person who is selected to serve on the commission from serving as staff to the Legislature or a Member of the Legislature for five years from the date of appointment.

Proposed Regulations

The Act provides little guidance regarding how the final stage of the application process shall operate and how selected applicants will make the transition to a fully functional commission. It also uses various terms in provisions restricting certain activities of commission members without clearly defining the meaning of such terms. Therefore, consistent with the State Auditor’s authority to adopt regulations related to the application process, the State Auditor is commencing this rulemaking process to implement the provisions of the Act in a way that is consistent with the intent of the voters and to provide guidance and clarity to potential applicants and the general public. As an overview, the State Auditor is proposing a set of regulations regarding the operation of the final stage of the application process, and the restrictions on the activities of commissioners after they are appointed, that will address several subject areas including the following:

- The terms used in the provisions that make a person who is selected to serve on the commission ineligible, for ten years from the date of appointment, to hold elective public office at the federal, state, county, or city level.

- The terms used in the provisions that make a person who is selected to serve on the commission ineligible, for five years beginning from the date of appointment, to hold appointive federal, state, or local public office.
- The terms used in the provisions that make a person who is selected to serve on the commission ineligible, for five years beginning from the date of appointment, to serve as paid staff for the Legislature or any individual legislator.
- The requirements for the meetings held by the first eight members of the commission to select the final six members, including requirements related to providing notice of meetings, meeting openly, and selecting a temporary chair and vice-chair.
- The requirements for providing the first eight members of the commission with support and training related to the task of selecting the final six members.
- The requirement to provide the first eight members of the commission with compensation and reimbursement for expenses as they conduct the business of selecting the final six members.
- The process for selecting the final six members of the commission.
- Other matters pertinent to transitioning from the application process overseen by the State Auditor to the full functioning of the Citizens Redistricting Commission.
- Conforming and clarifying changes to existing regulations that pertain to the application process, including the regulations that pertain to the submission of public comments about applicants and conducting a random drawing to select the first eight members of the commission.

LOCAL MANDATE

This proposal does not impose a mandate on local agencies or school districts.

FISCAL IMPACT ESTIMATES

This proposal does not impose costs on any local agency or school district for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code. This proposal does not impose other nondiscretionary cost or savings on local agencies. This proposal does not result in any cost or savings in federal funding to the state.

COST OR SAVINGS TO STATE AGENCIES

No additional costs or savings to state agencies are anticipated.

BUSINESS IMPACT/SMALL BUSINESSES

The State Auditor has made an initial determination that this proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The proposal does not affect small businesses as defined by section 11342.610 of the Government Code. The determination that this proposal would not affect small businesses is based on the fact that the proposed regulations implement provisions of the Act that address the final step in the application process, whereby the first eight members of the commission select the final six members, as well as provisions that place restrictions on those persons who are ultimately selected to serve on the commission. Based on the limited scope of these regulations, the State Auditor has determined that none of the proposed regulations would have a significant adverse economic impact on business.

ASSESSMENT REGARDING EFFECT ON JOBS/BUSINESS

The State Auditor has made an initial determination that this proposed regulatory action will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

The State Auditor is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON HOUSING COSTS

None.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

The State Auditor conducted a Call for Comments and solicited suggestions from the public regarding the scope and content of these proposed regulations. That Call for Comments was posted at www.WeDrawtheLines.ca.gov and sought comments from January 15, 2010 through February 15, 2010.

ALTERNATIVES CONSIDERED

The State Auditor must determine that no reasonable alternative that she has considered or that has otherwise been identified and brought to her attention would be more effective in carrying out the purpose of the proposed action, or would be as effective and less burdensome to affected private persons than the proposed action.

CONTACT PERSON

Inquiries relating to this proposed action and written comments may be directed to:

Gloria Gamino
Bureau of State Audits
555 Capitol Mall, Suite 300
Sacramento, California 95814
Telephone (916) 445-0255
Fax: (916) 319-9295

Inquiries may also be directed to the bureau's designated backup contact person:

Sharon Brumley
Bureau of State Audits
555 Capitol Mall, Suite 300
Sacramento, California 95814
Telephone (916) 445-0255
Fax: (916) 319-9295

INITIAL STATEMENT OF REASONS AND INFORMATION

The bureau has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposed action is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information on which this proposal is based, may be obtained by making a request to the contact person listed above. These documents may also be viewed and downloaded from the website maintained by the bureau at www.WeDrawtheLines.ca.gov.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information on which the proposed regulations are based is contained in the rulemaking file lo-

cated at 555 Capitol Mall, Suite 300, Sacramento, California 95814. The rulemaking file is available for public inspection by making a request to the contact person listed above.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person listed above.

WEB SITE ACCESS

Materials regarding this proposal can be found at www.WeDrawtheLines.ca.gov.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended Section 3406(b) of the regulations in Title 3 of the California Code of Regulations pertaining to the Mediterranean Fruit Fly Interior Quarantine as an emergency action which was effective January 25, 2010. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than June 30, 2010.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department contact no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture may certify that there was compliance with the provisions of Section 11346.1 of the Government Code within 180 days of the emergency regulation.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before May 31, 2010.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law obligates the Department of Food and Agriculture to protect the agricultural industry in California and prevent the spread of injurious pests (Food and Agricultural Code, Sections 401 and 403). Existing law also provides that the Secretary may establish, maintain, and enforce such regulations as he deems necessary to prevent the spread of pests to protect California's agricultural industry (Food and Agricultural Code, Section 5322).

This amendment removed the quarantine area for Mediterranean fruit fly in the Spring Valley area of San

Diego County (approximately 93 square miles). The effect of the amendment is to remove the authority for the State to regulate movement of hosts and possible carriers of Mediterranean fruit fly within and from this area of San Diego County. This action is necessary as the Mediterranean fruit fly has been eradicated from this area and it is no longer necessary to prevent artificial spread of the fly to noninfested areas in order to protect California's agricultural industry. There is no existing, comparable federal regulation or statute.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that Section 3406 does not impose a mandate on local agencies or school districts, except that an agricultural commissioner of a county under quarantine has a duty to enforce it. No reimbursement is required under Section 17561 of the Government Code because there are no mandated costs associated with the removal of this area from the regulation.

The Department also has determined that the regulation will involve no costs or savings to any state agency, no nondiscretionary costs or savings to local agencies or school districts, no reimbursable costs or savings to local agencies or school districts under Part 7 (commencing with Section 17500) of Division 4 of the Government Code, and no costs or savings in federal funding to the State.

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will not affect housing costs.

EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT

The Department has made an assessment that the proposed amendment to the regulation would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY

The Department amended Section 3406(b) pursuant to the authority vested by Sections 407, 5301, 5302 and 5322 of the Food and Agricultural Code of California.

REFERENCE

The Department amended Section 3406(b) to implement, interpret and make specific Sections 5301, 5302 and 5322, Food and Agricultural Code.

EFFECT ON SMALL BUSINESS

The amendment of this regulation may affect small businesses.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed action, location of the rulemaking file, request for a public hearing, and final statement of reasons may be directed is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: sbrown@cdfa.ca.gov. In his absence, you may contact Susan McCarthy at (916) 654-1017. Questions regarding the substance of the proposed regulations should be directed to Stephen S. Brown.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website (www.cdfa.ca.gov/cdfa/pendingregs).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, the final statement of reasons is available upon request. Requests should be directed to the contact named herein.

If the regulations adopted by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture intends to amend Section 3406(b) of the regulations in Title 3 of the California Code of Regulations pertaining to the Mediterranean Fruit Fly Interior Quarantine.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department contact no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture may certify that there was compliance with the provisions of Section 11346.1 of the Government Code within 180 days of the emergency regulation.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before May 31, 2010.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law obligates the Department of Food and Agriculture to protect the agricultural industry in California and prevent the spread of injurious pests (Food and Agricultural Code, Sections 401 and 403). Existing law also provides that the Secretary may estab-

lish, maintain, and enforce such regulations as he deems necessary to prevent the spread of pests to protect California's agricultural industry (Food and Agricultural Code, Section 5322).

The proposed amendment will remove the quarantine area for Mediterranean fruit fly in the Mira Mesa area of San Diego County of approximately 106 square miles. The effect of the amendment is to remove the authority for the State to regulate movement of hosts and possible carriers of Mediterranean fruit fly within and from this area of San Diego County. This action is necessary as the Mediterranean fruit fly has been eradicated from this area and it is no longer necessary to prevent artificial spread of the fly to noninfested areas in order to protect California's agricultural industry. There is no existing, comparable federal regulation or statute.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that Section 3406 does not impose a mandate on local agencies or school districts, except that an agricultural commissioner of a county under quarantine has a duty to enforce it. No reimbursement is required under Section 17561 of the Government Code because there are no mandated costs associated with the removal of this area from the regulation.

The Department also has determined that the regulation will involve no costs or savings to any state agency, no nondiscretionary costs or savings to local agencies or school districts, no reimbursable costs or savings to local agencies or school districts under Part 7 (commencing with Section 17500) of Division 4 of the Government Code, and no costs or savings in federal funding to the State.

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will not affect housing costs.

EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The agency is not aware of any cost impacts that a representative private person or business would neces-

sarily incur in reasonable compliance with the proposed action.

ASSESSMENT

The Department has made an assessment that the proposed amendment to the regulation would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY

The Department amended Section 3406(b) pursuant to the authority vested by Sections 407, 5301, 5302 and 5322 of the Food and Agricultural Code of California.

REFERENCE

The Department amended Section 3406(b) to implement, interpret and make specific Sections 5301, 5302 and 5322, Food and Agricultural Code.

EFFECT ON SMALL BUSINESS

The amendment of this regulation may affect small businesses.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed action, location of the rulemaking file, request for a public hearing, and final statement of reasons may be directed is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: sbrown@cdfa.ca.gov. In his absence, you may contact Susan McCarthy at (916) 654-1017. Questions regard-

ing the substance of the proposed regulations should be directed to Stephen S. Brown.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website (www.cdfa.ca.gov/cdfa/pendingregs).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, the final statement of reasons is available upon request. Requests should be directed to the contact named herein.

If the regulations adopted by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

TITLE 3. DEPARTMENT OF PESTICIDE REGULATION

Methyl Bromide Field Fumigations
DPR Regulation No. 10-002

NOTICE OF PROPOSED REGULATORY ACTION

The Department of Pesticide Regulation (DPR) proposes to amend Title 3, California Code of Regulations (3 CCR) sections 6447, 6447.2, and 6784. The pesticide regulatory program activities that will be affected by the proposal are those pertaining to restricted materials and worker safety. In summary, the proposed action pertains to the use of methyl bromide when used to fumigate soil prior to the planting of agricultural crops and focuses on mitigating possible subchronic (intermediate) methyl bromide exposure hazards to the public and agricultural employees. The proposed action would revise the limits on the amount of methyl bromide that can be applied in any calendar month in any township; prohibits county agricultural commissioners (CACs) from using buffer zone sizes smaller and dura-

tions shorter than specified in the *Methyl Bromide Field Fumigation Buffer Zone Determination* document incorporated by reference; revises the maximum employee work hours in a 24-hour period, while engaged in the injection process and during the restricted entry interval for various methods of applications; and makes a clarifying change to the description of the National Institute for Occupational Safety and Health (NIOSH)-certified respirator that must be used when required by employees involved in field fumigation.

SUBMITTAL OF COMMENTS

Any interested person may present comments in writing about the proposed action to the agency contact person named below. Written comments must be received no later than 5:00 p.m. on June 1, 2010. Comments regarding this proposed action may also be transmitted via e-mail <dpr10002@cdpr.ca.gov> or by facsimile transmission at (916) 324-1452.

A public hearing is not scheduled. However, one will be scheduled if any interested person submits a written request to DPR no later than 15 days prior to the close of the written comment period.¹

EFFECT ON SMALL BUSINESS

DPR has determined that the proposed regulatory action does affect small businesses.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Methyl bromide is a gaseous fumigant used to treat soil before planting vegetable, fruit, and nut crops and flowers. Depending on the crop, field applications may occur annually or once every several years. Methyl bromide is injected into the soil with specialized application equipment that lays tarpaulins over the ground to minimize off-gassing for several days. Methyl bromide is also used in other settings not covered by this rule-making action. For example, after harvest, methyl bromide fumigation is used to protect crops from pest damage during storage and transportation. The fumigant is also used for quarantine pest control; termite eradication in homes and other structures; and to control insects in mills, ships, railroad cars, and other transportation vehicles.

In late December 2000, DPR adopted regulations focused upon mitigating possible acute (short-term) methyl bromide exposure hazards to the public and agricultural employees. These regulations are found in 3 CCR. In September 2004, DPR submitted regulations to the Office of Administrative Law (OAL) (File No. 04-0921-01C) that, in part, focused on mitigating subchronic methyl bromide exposure hazards to the public and agricultural employees. Subchronic exposure refers to seasonal exposure to workers and the public over a period of weeks. The regulations were approved by OAL on November 3, 2004. As required by Food and Agricultural Code (FAC) sections 12980 and 12981, the Office of Environmental Health Hazard Assessment (OEHHA) provided DPR with health-based recommendations.

In December 2004, a lawsuit was filed [*Fernandez v. Department of Pesticide Regulation (San Francisco County Superior Court No. CPF-04-504781)*] alleging, in part, that the regulations were not developed jointly and mutually with OEHHA and were not based on OEHHA's recommendations. On February 24, 2006, the judge found that DPR violated its duty to develop the regulations jointly and mutually with OEHHA and did not base the regulations on OEHHA's recommendations. DPR appealed this decision. In July 2008, the First Appellate District Court of Appeal [*Fernandez v. Department of Regulation (164 Cal. App. 4th 1214)*] affirmed the lower court decision. The Court concluded that DPR must collaborate with OEHHA in determining the health risks from methyl bromide. DPR was ordered to repromulgate sections of the regulations jointly and mutually with OEHHA.

DPR and OEHHA jointly and mutually began developing regulations to mitigate the health effects to workers resulting from subchronic exposure to methyl bromide pursuant to FAC section 12980. OEHHA agreed that DPR, as the risk manager, would develop a risk management directive to provide parameters for the development of amendments to 3 CCR sections 6447(h) and 6784(b)(3)(B) to mitigate the health effects to bystanders and workers resulting from subchronic exposures to methyl bromide. OEHHA agreed to work with DPR to implement that risk management directive.

On September 21, 2009, DPR issued a risk management directive that established a range of regulatory target levels unlikely to cause adverse health effects, and enumerated the factors that were taken into consideration in making that determination, including OEHHA's health-based recommendations. DPR and OEHHA staff were directed to develop mitigation measures to meet the range of specific target levels identified in that directive. Upon completion of OEHHA and DPR staff work based on the September 21, 2009 risk management directive, DPR issued a risk management deci-

¹ If you have special accommodation or language needs, please include this in your request for a public hearing. TTY/TDD speech-to-speech users may dial 7-1-1 for the California Relay Service.

sion on January 29, 2010. It directed OEHHA and DPR staff to develop specific regulatory amendments that would establish mitigation measures designed to reach the regulatory target levels identified in the DPR risk management decision. The decision was based upon the feasibility and practicality of implementing the mitigation measures for each target level, and the ability of DPR and the county agricultural commissioners (CACs) to adequately enforce them.

Under the risk management decision, the regulatory target level was lowered to the more health protective level of five parts per billion. DPR proposes to reduce the maximum amount of methyl bromide that can be applied for agricultural use in any township in a calendar month in section 6447(h). Under this proposal, a township cap will be established at 171,625 pounds. Township caps will be enforced via permit conditions.

DPR proposes to amend subsection 6447.2(a) to prohibit CACs from using buffer zone sizes smaller and durations shorter than specified in the *Methyl Bromide Field Fumigation Buffer Zone Determination* document. Also, the publication date for DPR's *Methyl Bromide Field Fumigation Buffer Zone Determination* document, which is already incorporated by reference into regulation, is being revised to "Rev. 3/10." The referenced document has been updated to change citations to sections 6450.1 and 6450.2, to 6447.1 and 6447.2, respectively, to reflect the renumbering of those sections in previous rulemaking. A copy of the revised document is included in the rulemaking file and is available upon request from DPR.

DPR proposes to amend section 6784(b)(2)(C) to clarify that when respiratory protection is required, employees must wear NIOSH-certified respiratory protection specifically recommended for use in atmospheres containing five ppm or less methyl bromide.

DPR proposes to amend section 6784(b)(3)(B) by revising the work hours in "Table 1. Maximum Work Hours" to reduce possible subchronic exposure of methyl bromide to or below a more health protective target level of 13 parts per billion (24-hour time-weighted average concentration) to workers. Additionally, DPR proposes to amend the heading "Maximum Application Rate (lbs. actual methyl bromide)" in Table 1 and Table 2 to include "per acre" to clarify that the application rate is measured as pounds per acre.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

DPR has determined that the proposed regulatory action does not impose a mandate on local agencies or school districts, nor does it require reimbursement by the State pursuant to Part 7 (commencing with section

17500) of Division 4 of the Government Code because the regulatory action does not constitute a "new program or higher level of service of an existing program" within the meaning of section 6 of Article XIII of the California Constitution. DPR has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action.

CACs will be the local agencies responsible for enforcing the proposed regulations. DPR anticipates that there will be no fiscal impact to these agencies because CACs will be following the same permit evaluation process that is currently performed.

COSTS OR SAVINGS TO STATE AGENCIES

DPR has determined that no savings or increased costs to any state agency will result from the proposed regulatory action.

EFFECT ON FEDERAL FUNDING TO THE STATE

DPR has determined that no costs or savings in federal funding to the state will result from the proposed action.

EFFECT ON HOUSING COSTS

DPR has made an initial determination that the proposed action will have no effect on housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES

DPR has made an initial determination that adoption of this regulation would have no significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

DPR identified potential cost impacts that a representative private person or businesses would necessarily incur in reasonable compliance with the proposed action. Strawberry growers and strawberry nursery stock producers may be impacted by the proposed action that revises the amount of methyl bromide that can be applied in any township in a calendar month to 171,625 pounds. Strawberry growers may experience an estimated annual cost savings of \$309,000 by substituting

methyl bromide with another pesticide such as chloropicrin. Strawberry nursery stock producers in the affected township may incur an estimated annual reduction in net profit of \$126,000. The impacts are presented by township and aggregated to a statewide total. The overall statewide impact is an estimated annual cost savings of \$183,000 (\$309,000 cost savings for strawberry growers minus \$126,000 annual reduction in net profit for nursery stock producers). The impact on nursery stock producers was estimated to be a reduction in net profit of nine percent. This would be considered a significant impact on nursery stock producers if they cannot pass along their cost as an increase in the price of strawberry plants (by about one percent) to strawberry growers. To the extent that they can pass the cost to strawberry growers as strawberry plant price increases, nursery stock producers will not see a significant impact from the proposed methyl bromide township cap. Strawberry growers can pay for the plant price increase from their chloropicrin use cost savings. Strawberry consumers will not see an increase in the price of strawberries at the grocery store.

IMPACT ON THE CREATION, ELIMINATION OR EXPANSION OF JOBS/BUSINESSES

DPR has determined it is unlikely the proposed regulatory action will impact the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business within the State of California.

CONSIDERATION OF ALTERNATIVES

DPR must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or businesses than the proposed regulatory action.

AUTHORITY

This regulatory action is taken pursuant to the authority vested by FAC sections 11456, 12976, 12981, 14005, and 14102.

REFERENCE

This regulatory action is to implement, interpret, or make specific FAC sections 11501, 12981, 14006, and 14102.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

DPR has prepared an Initial Statement of Reasons, and has available the express terms of the proposed action, all of the information upon which the proposal is based, and a rulemaking file. A copy of the Initial Statement of Reasons and the proposed text of the regulation may be obtained from the agency contact person named in this notice. The information upon which DPR relied in preparing this proposal and the rulemaking file are available for review at the address specified below.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the close of the comment period, DPR may make the regulation permanent if it remains substantially the same as described in the Informative Digest. If DPR does make substantial changes to the regulation, the modified text will be made available for at least 15 days prior to adoption. Requests for the modified text should be addressed to the agency contact person named in this notice, DPR will accept written comments on any changes for 15 days after the modified text is made available.

AGENCY CONTACT

Written comments about the proposed regulatory action; requests for a copy of the Initial Statement of Reasons, the proposed text of the regulation, and a public hearing; and inquiries regarding the rulemaking file may be directed to:

Linda Irokawa-Otani, Regulations Coordinator
Office of Legislation and Policy
Department of Pesticide Regulation
1001 I Street, P.O. Box 4015
Sacramento, California 95812-4015
(916) 445-3991

Note: In the event the contact person is unavailable, questions on the substance of the proposed regulatory action may be directed to the following person at the same address as noted above:

Linda O'Connell, Senior Environmental Scientist
Worker Health and Safety Branch
(916) 445-1717

This Notice of Proposed Action, the Initial Statement of Reasons, and the proposed text of the regulation are also available on DPR's Internet Home Page <<http://www.cdpr.ca.gov>>.

**AVAILABILITY OF FINAL STATEMENT
OF REASONS**

Following its preparation, a copy of the Final Statement of Reasons mandated by Government Code section 11346.5(a)(19) may be obtained from the contact person named above. In addition, the Final Statement of Reasons will be posted on DPR's Internet Home Page and accessed at <<http://www.cdpr.ca.gov>>.

**TITLE 3. DEPARTMENT OF
PESTICIDE REGULATION**

Qualified Applicator Licensing and
Certification Subcategories
DPR Regulation No. 10-001

NOTICE OF PROPOSED REGULATORY ACTION

The Department of Pesticide Regulation proposes to amend Title 3, California Code of Regulations (3 CCR) sections 6502, 6511, and 6530, and adopt section 6531. The proposed regulatory action would add existing qualified applicator subcategories to section 6530 for clarity purposes; prohibit applicators qualified to work in subcategory Q — Maintenance Gardener Pest Control (maintenance gardeners) from purchasing or using federally restricted-use pesticides or California restricted materials; establish subcategory P — Microbial Pest Control and require only eight hours of continuing education within the two-year license or certificate period for this subcategory; reduce the amount of required continuing education hours within each two-year license or certificate period from twenty hours to eight hours for subcategory M — Antifouling-Tributyltin and subcategory N — Sewer Line Root Control; and delete an incorrect qualified applicator license (QAL) reference under the continuing education requirements for maintenance gardeners. DPR proposes to revise the following application forms: Qualified Applicator License Application PR-PML-001 (Rev. 04/07), Qualified Applicator Certificate Application PR-PML-001A (Rev. 04/07), Maintenance Gardener Pest Control Business License Application PR-PML-004 (Rev. 09/04), and Pest Control Business License Application PR-PML-042 (Rev. 09/04). These application forms, incorporated by reference, will be revised to reflect the new subcategory P for microbial pest control and subcategory Q for maintenance gardener pest control as well as other editorial changes. Copies of the revised forms are included in the rulemaking file and are available upon request from DPR.

SUBMITTAL OF COMMENTS

Any interested person may present comments in writing about the proposed action to the agency contact person named below. Written comments must be received no later than 5:00 p.m. on June 1, 2010. Comments regarding this proposed action may also be transmitted via e-mail at <dpr10001@cdpr.ca.gov>, or by facsimile (FAX) transmissions at (916) 324-1452.

A public hearing is not scheduled. However, one will be scheduled if any interested person submits a written request to DPR no later than 15 days prior to the close of the written comment period.¹

EFFECT ON SMALL BUSINESS

DPR has determined that the proposed regulatory action affects small businesses. Since the proposed regulations simplify the examination process and continuing education requirements for individuals responsible for microbial and maintenance gardener pest control (primarily small businesses), this action may increase the number of pesticide applicators and pest control businesses applying for a license or certificate. The proposed changes list all existing qualified applicator subcategories and provide flexibility by allowing maintenance gardeners who do not purchase or use federally restricted-use pesticides or California restricted materials the option of obtaining a qualified applicator certificate (QAC) in subcategory Q, instead of category B (existing requirement). Currently to operate legally, maintenance gardeners must take and pass the examination for category B. The proposed subcategory Q requires less continuing education hours than category B. The examination for category B is more challenging and comprehensive than is necessary for subcategory Q certification because it requires the knowledge and competency to apply federally restricted-use pesticides or California restricted materials in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) certification requirements. As a result, it is likely that many individuals are discouraged from becoming a certified applicator and obtaining a valid maintenance gardener pest control business license.

By establishing subcategory P, DPR would allow individuals using sanitation service pesticides to become licensed or certified in a subcategory more specific to their pesticide use. Without subcategory P, existing regulations would require individuals to take the examination and complete the continuing education hours required for category A. Category A encompasses all resi-

¹ If you have special accommodation or language needs, please include this in your request for a public hearing. TTY/TDD speech-to-speech users may dial 7-1-1 for the California Relay Service.

dential, industrial, and institutional pesticide applications and has higher costs than proposed subcategory P. These proposed regulations will provide a more relevant, less burdensome qualified applicator subcategory and examination.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

DPR protects human health and the environment by regulating pesticide sales and use and by fostering reduced-risk pest management. To achieve this goal, DPR strictly oversees the statewide licensing of commercial and private applicators, pest control businesses, and agricultural pest control advisers. In addition to licensing all pest control businesses, DPR's Licensing and Certification Program administers QAL and QAC examinations to license and/or certify qualified applicators that work for pest control businesses. Individuals must obtain either a QAL or QAC if they use or supervise the use of federally restricted-use pesticides or state restricted materials. With the exception of maintenance gardener pest control businesses, a more comprehensive QAL is required if the individual is responsible for both supervising the pesticide applications made by a licensed pest control business and operating the business in a safe and legal manner.

There are currently 11 qualified applicator categories specified in the Food and Agricultural Code (FAC) section 12203 and 3 CCR section 6530. These 11 qualified applicator categories are based on the certified applicator categories specified in FIFRA section 2(e)(1). Title 40 of the Code of Federal Regulations (40 CFR) section 171.3(c), as well as FAC section 12203.1, authorizes DPR to designate subcategories within the qualified applicator categories listed in FAC section 12203. Pursuant to FAC section 12203.1, five subcategories (L — Wood Preservation, M — Antifouling-Tributyltin, N — Sewer Line Root Control, O — Field Fumigation Pest Control, and Q — Maintenance Gardener Pest Control) were established and have been included on DPR's application forms, with the exception of subcategory Q. Currently, applicants become qualified in subcategory Q only after taking the category B examination and requesting DPR to downgrade their license or certificate to subcategory Q. For clarity purposes, DPR proposes to add all five of these subcategories in regulation. DPR also proposes to establish a new subcategory P — Microbial Pest Control in 3 CCR section 6530. Subcategory P would apply to individuals using registered sanitation service pesticides, such as applications to potable water lines, evaporative condensers, and cooling towers, and the use of sulfur dioxide to sanitize corks and barrels for wine production. However,

subcategory P primarily impacts the wine industry because prior to 2007, sulfur dioxide was not labeled as a restricted use pesticide. Now, individuals are required to have a QAL or QAC to purchase or use sulfur dioxide for wine cork and barrel sanitation because it is a federally designated restricted-use pesticide.

DPR also seeks to use subcategory Q to make it less onerous, less costly, and more relevant to the type of work being performed by maintenance gardeners. Currently, maintenance gardeners engaging in pest control for hire incidental to the business must pass a certified commercial applicators examination in category B. Certification in category B requires knowledge of comprehensive study material designed for full-fledged pest control businesses applying federally restricted-use pesticides or California restricted materials. Therefore, many individuals may be discouraged from taking the current qualified applicator examination and obtaining a valid maintenance gardener pest control business license.

Although pesticide use by maintenance gardeners is limited, maintenance gardeners using pesticides are required to obtain a QAL or QAC and be tested to ensure they can use pesticides competently and are knowledgeable of applicable laws and regulations pertaining to pesticide use. DPR intends to establish a more appropriate subcategory for maintenance gardeners using general use pesticides incidental to their business. Maintenance gardeners certified in subcategory Q will be prohibited from using restricted materials, including federally restricted-use pesticides, which are not necessary for incidental pesticide use in maintenance gardening activities. The proposed regulation will relieve maintenance gardeners from taking the more stringent examination to use federally restricted-use pesticides and state restricted materials which are not necessary for their work.

DPR proposes to amend section 6530 to identify all available licensing subcategories and provide a subcategory Q certification option with relevant competency standards and requirements for maintenance gardeners who do not use federally restricted-use pesticides or California restricted materials. The new study guide and examination for subcategory Q will still ensure that maintenance gardeners are properly trained to use general use pesticides that may be applied incidental to their maintenance gardening activities.

DPR proposes a new subcategory P — Microbial Pest Control for pesticide applications in areas such as cooling towers, evaporative condensers, and potable water lines, as well as the use of sulfur dioxide to sanitize corks and barrels used in wine production. The addition of sulfur dioxide for cork and barrel sanitation is in response to the U.S. Environmental Protection Agency's (U.S. EPA's) 2007 decision to make the only registered

sulfur dioxide product used to sanitize corks and barrels used in wine production a restricted-use pesticide. By making this product a restricted-use pesticide, individuals making these specific types of pesticide applications must be a qualified pesticide applicator, or under the direction supervision of one. Without subcategory P, these individuals would need to become qualified under category A, which is a broad category that encompasses all residential, industrial, and institutional pest control activities. Subcategory P provides a more focused subcategory related to microbial pest control activities and would have a more relevant examination than category A.

Additionally, since subcategory M (Antifouling-Tributyltin), subcategory N (Sewer Line Root Control), and subcategory P (Microbial Pest Control) account for very specific pest control activities, DPR proposes to reduce the number of continuing education hours per two-year license or certificate period required by individuals qualified in these subcategories to eight hours, instead of the standard twenty hours that apply to the other broader, more extensive pest control categories.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

DPR has determined that the proposed regulatory action does not impose a mandate on local agencies or school districts, nor does it require reimbursement by the state pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code because the regulatory action does not constitute a “new program or higher level of service of an existing program” within the meaning of section 6 of Article XIII of the California Constitution. DPR has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action. As a result of this proposed regulatory action, county agricultural commissioners may expect to see a minimal increase in the registrations of maintenance gardener and microbial pest control businesses, corresponding to an increase in revenue. However, fees collected to register these businesses at the county level would offset the minimal increase in workload (on average, four additional pest control businesses per county per year).

COSTS OR SAVINGS TO STATE AGENCIES

DPR expects to see an increase in the number of maintenance gardener and microbial pest control businesses as well as individuals applying and taking the exam to obtain a subcategory Q or subcategory P QAC or QAL. The expected increase in revenue is estimated

at \$72,995 for fiscal year (FY) 2010/11, \$100,925 for FY 2011/12, and \$128,855 for FY 2012/13.

Costs to DPR would involve processing new licenses and certificates, examination administration, continuing education accreditation, study guide renewal, database management, and additional administrative costs associated with issuing and renewing 2,850 additional licenses over the lifetime of the regulation. The increase is expected to be gradual for the first five years with an estimated 570 additional licenses/certificates coming in each year. License and certificate renewals would be processed starting year two. The expected cost to DPR is estimated at \$79,800 for FY 2010/11, \$119,700 for FY 2011/12, and \$159,600 for FY 2012/13.

The net impact of the regulation will be to increase DPR’s costs. Net cost increases are estimated at \$6,805 for FY 2010/11, \$18,775 for FY 2011/12, and \$30,745 for FY 2012/13.

EFFECT ON FEDERAL FUNDING TO THE STATE

DPR has determined that no costs or savings in federal funding to the state will result from the proposed action.

EFFECT ON HOUSING COSTS

DPR has made an initial determination that the proposed action will have no effect on housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES

DPR has made an initial determination that the adoption of this regulation will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The estimated lifetime cost of the regulation is estimated at \$2.2 million.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

DPR has made an initial determination that the adoption of this regulation will have a cost impact on representative private persons or businesses engaged in microbial pest control since the regulatory action made necessary by new federal regulation will bring unlicensed individuals and businesses into compliance. However, maintenance gardeners not using federally restricted-use pesticides or California restricted mate-

rials would be subject to a less intensive qualified applicator examination and less continuing education requirements than before, creating a small decrease in cost compared to cost of complying with the existing requirements. Although subcategory P is a new subcategory that applies to wineries using sulfur dioxide to sanitize corks and barrels, the subcategory is in response to U.S. EPA's action to make the only registered pesticide product for this use a restricted-use pesticide, thus requiring users of sulfur dioxide for this purpose to become qualified pesticide applicators. Instead of requiring these individuals to take a comprehensive category A examination, DPR proposes to create a more specific subcategory related to microbial pest control with a less intensive examination and less continuing education hours than required by category A. While becoming a qualified pesticide applicator is a new cost to wineries, the cost of becoming qualified in subcategory P is less than the cost of category A, thus creating a small cost reduction. In lieu of winery employees obtaining a QAC to perform the microbial pest control activities in house, some wineries may opt to contract with a licensed microbial pest control business for a fee.

IMPACT ON THE CREATION, ELIMINATION, OR EXPANSION OF JOBS

DPR has determined it is unlikely that the proposed regulatory action will impact the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business with the State of California. The proposed regulatory action seeks to establish a separate subcategory for maintenance gardeners who do not use federally restricted use pesticides or California restricted materials, which may increase the number of certified maintenance gardeners in California. DPR believes any increase of jobs and businesses is unlikely and any increase in licensed maintenance gardener pest control businesses and qualified applicators would be due to unlicensed businesses seeking to become qualified maintenance gardeners with the less costly subcategory Q. DPR's proposal to establish subcategory P is in response to U.S. EPA's recent regulatory action allowing only certified pesticide applicators, or those under their direct supervision, to purchase or use sulfur dioxide for wine cork and barrel sanitation. DPR does not expect new winery sanitation businesses will be created. Instead, businesses currently servicing wineries would likely add cork and barrel sanitation to their portfolio of available services. However, these interested businesses (estimated at 25) would need to obtain a pest control businesses license and employ a QAL

to supervise and be responsible for the pesticide applications.

CONSIDERATION OF ALTERNATIVES

DPR must determine that no reasonable alternatives considered by the agency, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or businesses than the regulatory action.

AUTHORITY

This regulatory action is taken pursuant to the authority vested by FAC sections 11456, 11502, 12203.1, 12976, 14001, 14005, 14102, 14151, and 14153.1.

REFERENCE

This regulatory action is to implement, interpret, or make specific FAC section 11501, 11701, 11704, 12203, 14001, 14015, 14102, and 14153.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

DPR has prepared an Initial Statement of Reasons and has available the express terms of the proposed action, all of the information upon which the proposal is based, and a rulemaking file. A copy of the Initial Statement of Reasons and the proposed text of the regulation may be obtained from the agency contact person named in this notice. The information upon which DPR relied in preparing this proposal and the rulemaking file are available for review at the address specified below.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the close of the comment period, DPR may make the regulations permanent if they remain substantially the same as described in the Informative Digest. If DPR does make substantial changes to the regulations, the modified text will be made available for at least 15 days prior to adoption. Requests for the modified text should be addressed to the agency contact person named in this notice. DPR will accept written comments on any changes for 15 days after the modified text is made available.

AGENCY CONTACT

Written comments about the proposed regulation action; requests for a copy of the Initial Statement of Rea-

sons, the proposed text of the regulation, and a public hearing; and inquiries regarding the rulemaking file may be directed to:

Linda Irokawa-Otani, Regulations Coordinator
Department of Pesticide Regulation
1001 I Street, P.O. Box 4015
Sacramento, California 95812-4015
916-445-3991

Questions on the substance of the proposed regulatory action, particularly technical or historical questions concerning this proposal, may be directed to:

Ann Hanger, Environmental Scientist
Pest Management and Licensing Branch
Department of Pesticide Regulation
916-445-8411

AVAILABILITY OF FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons mandated by Government Code 11346.9(a) may be obtained from the contact person named above. In addition, the Final Statement of Reasons will be posted on DPR's Internet Home Page and may be accessed at <<http://www.cdpr.ca.gov/dos/leg-bills/rulepkgs.htm>>.

TITLE 5. COMMISSION ON TEACHER CREDENTIALING

Division VIII of Title 5 of the California Code of Regulations

Proposed Amendments to 5 California Code of Regulations §80001 Pertaining to Definitions and Terms Related to Application Forms

Notice of Proposed Rulemaking

The Commission on Teacher Credentialing proposes to amend the regulatory action described below after considering all comments, objections and recommendations regarding the proposed action.

Public Hearing

A public hearing on the proposed actions will be held:

June 3, 2010

9:00 a.m.

**Commission on Teacher Credentialing
1900 Capitol Avenue
Sacramento, California 95811**

Written Comment Period

Any interested person, or his or her authorized representative, may submit written comments by fax, through the mail, or by e-mail on the proposed action. The written comment period closes at 5:00 p.m. on June 1, 2010. Comments must be received by that time or may be submitted at the public hearing. You may fax your response to (916) 322-0048; write to the Commission on Teacher Credentialing, attn. Tammy A. Duggan, 1900 Capitol Avenue, Sacramento, California 95811; or submit an email at tduggan@ctc.ca.gov.

Any written comments received 18 days prior to the public hearing will be reproduced by the Commission's staff for each member of the Commission as a courtesy to the person submitting the comments and will be included in the written agenda prepared for and presented to the full Commission at the hearing.

Authority and Reference

Pursuant to the authority vested by Section 44225 of the Education Code, and to implement, interpret or make specific Section 44225(q) of the Education Code, the Commission on Teacher Credentialing is proposing amendments to §80001 of Title 5 California Code of Regulations.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing Laws and Regulations

In an effort to provide consistency with respect to application forms required for credentials, certificates and permits, Commission staff is presenting amendments to Section 80001 pertaining to Definitions and Terms for review, including language related to electronic application processes.

Division 8, Chapters 1 and 4 of Title 5 of the California Code of Regulations include many sections that require submission of an application form for issuance or renewal of credentials, certificates and permits. However, due to the adoption dates of the regulations, the revision dates of the referenced application forms range from April 1994 to September 2008, whereas the current application forms in use by the Commission were revised in December 2009. In addition, the online application systems described below require submission of online applications, which are not referenced in the sections that discuss submission of application forms.

Phase II of the Teacher Credentialing Service Improvement Project was implemented in June 2002 and requires holders of clear teaching or services credentials to renew their documents via the Commission's online renewal system by submission of an electronic application. Holders of Emergency 30-Day Substitute Teaching Permits and Child Development Permits may

also utilize the online renewal system for renewal of their permits.

Effective July 19, 2005, Education Code Sections 44227(a) and (b) were amended to require institutions of higher education (IHEs) with Commission-approved teacher preparation programs to electronically submit credential applications to the Commission. In response, the Commission implemented a web-based portal for the purpose of accepting Commission-approved IHE recommended applications that was fully functional in December 2006.

The most recent technology efficiency was implemented in December 2009 to allow submission of electronic applications for documents that do not require recommendation from an approved program or submission by a California public school employer.

The proposed amendments to Section 80001 provide definitions for the current application forms for initial issuance and renewal of documents, as well as language related to the electronic submission of applications via the online recommendation, direct application, and renewal systems. Inclusion of the applications (paper-and-electronic-versions) in the Definitions and Terms section of Title 5 will enable the Commission to update all sections that require submission of an application when revisions are made to the forms by amending only Section 80001.

Documents Incorporated by Reference:

Application for Credential Authorizing Public School Service (form 41-4, rev. 12/09)

Instruction and Information Sheet (41-4 INSTRUCTIONS, rev. 12/09)

Personal and Professional Fitness Explanation Form (form OA-EF, 12/09)

Renewal and Reissuance Application (form 41-REN, rev. 12/09)

Instruction and Information Sheet (41-REN INSTRUCTIONS, rev. 12/09)

Documents Relied Upon in Preparing Regulations:

None.

Disclosures Regarding the Proposed Actions

The Commission has made the following initial determinations:

Mandate to local agencies or school districts: None.

Other non-discretionary costs or savings imposed upon local agencies: None.

Cost or savings to any state agency: None.

Cost or savings in federal funding to the state: None.

Significant effect on housing costs: None.

Significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states: None.

These proposed regulations will not impose a mandate on local agencies or school districts that must be reimbursed in accordance with Part 7 (commencing with section 17500) of the Government Code.

Cost impacts on a representative private person or business: The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Assessment regarding the creation or elimination of jobs in California [Govt. Code §11346.3(b)]: The Commission has made an assessment that the proposed amendments to the regulations would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: The Commission has determined that the proposed amendments to the regulations do not affect small businesses. The proposed regulation amendments apply only to the application forms required when individuals apply for credentials, certificates, and permits that authorize service in California's public schools and have no impact on private business.

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed actions.

Contact Person/Further Information

General or substantive inquiries concerning the proposed action may be directed to Tammy A. Duggan by telephone at (916) 323-5354 or Tammy A. Duggan, Commission on Teacher Credentialing, 1900 Capitol Avenue, Sacramento, CA 95811. General question inquiries may also be directed to Janet Bankovich at (916) 323-7140 or at the address mentioned in the previous sentence. Upon request, a copy of the express terms of the proposed action and a copy of the initial statement of reasons will be made available. This information is also available on the Commission's website at www.ctc.ca.gov. In addition, all the information on which this proposal is based is available for inspection and copying.

Availability of Statement of Reasons and Text of Proposed Regulations

The entire rulemaking file is available for inspection and copying throughout the rulemaking process at the Commission office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of regulations, and the initial statement of reasons.

Modification of Proposed Action

If the Commission proposes to modify the actions hereby proposed, the modifications (other than non-substantive or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted.

Availability of Final Statement of Reasons

The Final Statement of Reasons is submitted to the Office of Administrative Law as part of the final rule-making package, after the public hearing. When it is available, it will be placed on the Commission's website at www.ctc.ca.gov or you may obtain a copy by contacting Tammy A. Duggan at (916) 323-5354.

Availability of Documents on the Internet

Copies of the Notice of Proposed Action, the Initial Statement of Reasons and the text of the regulations in underline and strikeout may be accessed through the Commission's website at www.ctc.ca.gov.

TITLE 11. DEPARTMENT OF JUSTICE

NOTICE OF PROPOSED AMENDMENTS TO THE DEPARTMENT OF JUSTICE REGULATIONS PERTAINING TO THE FINGERPRINT ROLLING CERTIFICATION PROGRAM

NOTICE IS HEREBY GIVEN that the Department of Justice (DOJ), organized and operating pursuant to section 11102.1 of the Penal Code (PC) proposes to amend Title 11, Division 1, Chapter 13.6, Articles 1-4, Sections 994.2, 994.4, 994.5, 994.6, 994.9, 994.10, 994.11, 994.12, 994.13, 994.14, 994.15, and 994.16 of the California Code of Regulations.

INFORMATIVE DIGEST

Existing Law

Existing law (PC section 11102.1) requires the DOJ to establish, implement, and maintain a certification program to process fingerprint-based criminal background clearances on individuals who roll fingerprint impressions, manually or electronically, for non-law enforcement purposes. Except as provided in paragraph (2), no person shall roll fingerprints for non-law enforcement purposes unless certified. Existing law also provides that the DOJ may adopt regulations as necessary to implement the provisions of this section.

Proposed Amendments to Regulations

The DOJ seeks to amend regulation sections 994.2, 994.4, 994.5, 994.6, 994.9, 994.10, 994.11, 994.12,

994.13, 994.14, 994.15, and 994.16 to provide clearer guidelines to individuals who roll fingerprint impressions who are not exempt under PC 11102.1(2)(A)(B). Those individuals who take fingerprint impressions for criminal offender record information (CORI) clearances for employment, licensing, and certification purposes, must be certified.

The following items outline the proposed amendments.

Section 994.2 is amended as follows:

- In subsection (b), the phrase: "and the subsequent automated background check and response" is removed for clarification purposes.
- In subsection (b), a "period [.] " is added for clarification purposes and to properly complete a sentence.
- In subsection (g), the phrase: "Chief Information Officer" is removed for clarification purposes.
- In subsection (i), the word and phrase: "or" and "the Department" is removed and replaced with the acronym "DOJ" for consistency purposes.

Section 994.4 is amended as follows:

- In the first paragraph, the phrase: "should contact the DOJ and request form" is removed for clarification purposes.
- In the first paragraph, the phrase: "can access the" is added for clarification purposes.
- In the first paragraph, the phrase: "(rev. 09/03)" is removed for clarification purposes.
- In the first paragraph, the phrase: "on the Attorney General's website, located under the Fingerprint Submissions heading. Also on the Attorney General's website are pre-certification materials that each applicant may review prior to submitting the application" is added for clarification and consistency purposes.
- In the first paragraph, the phrase: "The application form and a package of pre-certification materials will be forwarded" is removed for clarification purposes.
- Subsection (f) is removed to be consistent with recently passed legislation (SB 174), removing the requirement to have the application for certification of non-exempt individuals to take fingerprint impressions notarized. The application form BCIA 8372 will be modified and incorporated herein as reference.
- Subsection (g) is realphabetized to subsection (f) for consistency purposes.

Section 994.5 is amended as follows:

- In subsection (a), the phrase: "and notarized" is removed for consistency purposes.

- In subsection (b), the phrases: “two sets of fingerprints,” “either,” “applicant live scan,” “or manually,” and “the fingerprints must be taken by” are removed for clarification purposes.
- Subsections (b)(1), (b)(2), and (b)(3) are removed for clarification purposes.
- In subsection (b), the phrases: “his/her fingerprint impressions” and “electronic (live scan) capture” are added for clarification purposes.
- In subsection (b), a “period [.]” is added for clarification purposes and to properly complete a sentence.
- Subsection (c) is removed in its entirety.
- Subsection (d) is realphabetized to subsection (c) for consistency purposes. In subsection (c), the phrase: “The applicant shall also submit with his or her notarized application, a check or money order in the amount of \$81.00 made payable to the California Department of Justice for the certification processing fee” is removed for clarification purposes.
- In subsection (c), the phrase: “All fees for the certification must be paid directly to the agency providing the live scan services. An additional fingerprint rolling fee will be collected” is added for clarification purposes.

Section 994.6 is amended as follows:

- In subsection (a), the phrases: “a letter will be sent to the applicant stating the application has been accepted and the applicant is certified,” “The letter will include a certification number,” and the word “letter” are removed for clarification purposes.
- In subsection (a), the phrases: “The applicant will be notified that the application has been accepted and certified” and “notice, which will include the” are added for clarification purposes.
- In subsection (b), the phrase: “whether submitted manually or electronically” is removed for clarification purposes.
- In subsection (b), a “period [.]” is added for clarification purposes and to properly complete a sentence.

Section 994.9 is amended as follows:

- This section is removed in its entirety.

Section 994.10 Section 994.9 is amended as follows:

- The section number has been renumbered to section 994.9 for consistency purposes.
- In subsection (a), the word: “Department” is removed and replaced with the acronym “DOJ” for consistency purposes.

- In subsection (b), the word: “Department” is removed and replaced with the acronym “DOJ” for consistency purposes.
- In subsection (b), the word: “letter” is removed and replaced with the word “notice” for consistency purposes.
- In subsection (b), a comma was added for clarification and consistency purposes.

Section 994.11 Section 994.10 is amended as follows:

- The section number has been renumbered to section 994.10 for consistency purposes.
- In subsection (a), the word: “Department” is removed and replaced with the acronym “DOJ” for consistency purposes.
- In subsection (b), the word: “Department” is removed and replaced with the acronym “DOJ” for consistency purposes.
- In subsection (c), the word: “Department” is removed and replaced with the acronym “DOJ” for consistency purposes.
- In subsection (c), the phrase: “Attorney General” is removed and replaced with the word “Director” for clarification purposes.
- In subsection (d), the phrase: “Attorney General” is removed and replaced with the word “Director” for consistency purposes.
- In subsection (d), the word: “Department” is removed and replaced with the acronym “DOJ” for consistency purposes.
- In subsection (e), the word: “Department” is removed and replaced with the acronym “DOJ” for consistency purposes.
- In subsection (e), the word: “letters” is removed and replaced with the word “notices” for consistency purposes.

Section 994.12 Section 994.11 is amended as follows:

- The section number has been renumbered to 994.11 for consistency purposes.
- In subsection (a), the word: “Department” is removed and replaced with the acronym “DOJ” for consistency purposes.
- In subsection (b), the word: “Department” is removed and replaced with the acronym “DOJ” for consistency purposes.
- In subsection (c), the word: “Department” is removed and replaced with the acronym “DOJ” for consistency purposes.

Section 994.13 Section 994.12 is amended as follows:

- The section number has been renumbered to 994.12 for consistency purposes.

- In subsection (a), the word: “Department” is removed and replaced with the acronym “DOJ” for consistency purposes.
- In subsection (c), the word “Department” is removed and replaced with the acronym “DOJ” for consistency purposes.

Section 994.14 Section 994.13 is amended as follows:

- The section number has been renumbered to 994.13 for consistency purposes.
- In the first paragraph, the word: “Department” is removed and replaced with the acronym “DOJ” for consistency purposes.

Section 994.15 Section 994.14 is amended as follows:

- The section number has been renumbered to 994.14 for consistency purposes.

Section 994.16 Section 994.15 is amended as follows:

- This section number has been renumbered to 994.15 for consistency purposes.

INCORPORATED BY REFERENCE FORM

Application for Certification of Non-Exempted Individuals to Take Fingerprint Impressions (BCIA 8372), Rev. 01/10.

PUBLIC HEARING DATES, TIME AND PLACE

No public hearing has been scheduled for the proposed regulatory action; however any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the 45-day written comment period, a public hearing pursuant to the Administrative Procedures Act (APA), Government Code section 11346.8.

WRITTEN COMMENT PERIOD

Any interested persons, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the contact person(s) listed below. The written comment period closes on May 31, 2010 at 5 p.m. Only written comments received by that time shall be considered.

CONTACT PERSON(S)

Jenny Reich, Assistant Bureau Chief
California Department of Justice
Division of California Justice Information Services
Applicant Record and Certification Branch
Fingerprint Rolling Certification
P.O. Box 903387

Sacramento, CA 94203-3870
(916) 227-2372

OR

Tina Lewis, Staff Service Analyst
California Department of Justice
Division of California Justice Information Services
Applicant Record and Certification Branch
Fingerprint Rolling Certification
P.O. Box 903387
Sacramento, CA 94203-3870
(916) 227-5050

IMPACT STATEMENTS

Cost Impact on Local Agencies and School Districts: The proposed amendments to existing regulations will not create a local mandate, will not have a significant impact on the cost to local agencies and school districts, which must be reimbursable in accordance with California Government Code, Part 7, commencing with section 17500 of Division 4. Certification of non-exempted individuals who take fingerprint impressions are already required by PC 11102.1 to follow the procedures covered by the proposed amendments.

Non-Discretionary Costs or Savings: The proposed amendments to existing regulations will not create any non-discretionary costs and will not generate any savings.

Cost or Savings to State Agencies and Federal Funding to the State: No additional costs or savings will be incurred by the Fingerprint Rolling Certification Program because these proposed regulations make only technical, non-substantive or clarifying changes to current regulations. No other state agencies will be impacted and there will not be any impact on any federal funding programs to the state. It will however, allow for more programmatic processing resulting in faster turn-arounds.

Business Impact: The proposed amendments to existing regulations will have no significant, statewide adverse economic impact directly affecting businesses in California, including the ability of California businesses to compete with businesses in other states.

Impact on Small Businesses, Private Persons, and Housing Costs: The proposed amendments to existing regulations will have a minimal impact upon private persons who are authorized and certified to administer fingerprint impressions. Individuals seeking to be certified as fingerprint rollers will no longer be subject to the additional \$10 to \$20 cost of having their application notarized. Additional economic benefits may result from increased public access to fingerprint rolling services. The DOJ is not aware of any cost impacts that a representative private person or business would neces-

sarily incur in reasonable compliance with the proposed action.

Assessment of Job/Business Creation, Elimination or Expansion: The adoption of the proposed amendments to existing regulations will not create or eliminate jobs in the State of California nor will it result in the elimination of existing businesses, create, or expand businesses in the state.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the DOJ must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The DOJ invites interested persons to present statements or arguments with respect to alternatives to the proposed amendments to existing regulations during the 45-day written public comment period.

AUTHORITY

PC section 11102.1(i) specifies that the DOJ may adopt regulations as necessary to implement the provisions of this section.

REFERENCE

The regulatory action implements, interprets, and makes specific the mandate in California Penal Code section 11102.1.

AVAILABILITY OF STATEMENT OF REASONS, PROPOSED REGULATIONS AND OTHER INFORMATION

The DOJ has prepared an initial statement of reasons for the proposed amendments to existing regulations and a listing of the exact regulations being proposed.

Copies of the exact language of the initial statement of reasons and of the text of proposed amendments to existing regulations and any other information upon which its proposal is based may be obtained from the DOJ contact person(s) shown in this notice. Copies of the exact language of the initial statement of reasons and of the text of proposed amendments to existing regulations may also be obtained through the Attorney General's website at http://ag.ca.gov/fingerprints/finger_cert_regs.php.

With the exception of any non-substantive, technical or grammatical changes, the full text of any amended proposal will be available for an additional 15-day public comment period, prior to its adoption to all persons who submit written comments during the 45-day public comment period, and all persons who request notification.

AVAILABILITY OF CHANGED OR AMENDED TEXT

After the DOJ analyzes all timely and relevant comments received during the 45-day public comment period, the DOJ will either adopt the amendments to the existing regulations as described in this notice, or make modifications based on the comments. If the DOJ makes modifications which are sufficiently related to the original text of the proposed amendments to existing regulations, the amended text, with the changes clearly indicated, will be made available for an additional 15-day public comment period, before the DOJ adopts the revised amendments to the existing regulations. The DOJ will accept written comments on the modifications to the amended regulations during the 15-day public comment period.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Once the final statement of reasons has been prepared, it will be made available through the contact person(s) shown in this notice.

TITLE 11. DEPARTMENT OF JUSTICE/BUREAU OF GAMBLING CONTROL

CALIFORNIA CODE OF REGULATIONS, TITLE 11. LAW DIVISION 3. GAMBLING CONTROL NOTICE OF PROPOSED RULEMAKING

“Schedule of Investigation and Processing Costs”

The Department of Justice, Division of Law Enforcement, Bureau of Gambling Control (Bureau), proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Bureau proposes to modify and make additions to section 2037 of Title 11, Division 3, Chapter 1, Ar-

ticle 4 of the California Code of Regulations, concerning deposit amounts required for the investigation of individuals and business entities applying for a state gambling license as well as applications for contract approval or game review.

PUBLIC HEARING

The Bureau will hold a public hearing on Wednesday, June 9, 2010 at 9:00 a.m. in the State of California, Department of Consumer Affairs, Hearing Room at 1625 North Market Boulevard, Sacramento, California, 95834. The room is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The Bureau requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments, relevant to the proposed regulatory action, to the Bureau at any time during the 45-day public comment period commencing on April 16, 2010. To be considered for summary and response, all written comments must be received no later than 5:00 p.m., May 31, 2010.

Written comments for the Bureau's consideration should be directed to:

Susanne George, Bureau Regulations Coordinator
Department of Justice
Division of Law Enforcement
Bureau of Gambling Control
1425 River Park Drive, Ste. 400
Sacramento, CA 95815
Telephone: (916) 263-4971
E-mail: susanne.george@doj.ca.gov
FAX: (916) 263-0928

AUTHORITY AND REFERENCE

Note: Authority cited: 19826, 19867, and 19984, Business and Professions Code and Section 12358(a)(2) California Code of Regulations.

Reference: Sections 19805(b), (i), and (j), 19827, 19830, 19853(b), 19867, 19950(b), 19951, 19952 and 19984, Business and Professions Code.

INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW

The Gambling Control Act (commencing with section 19800 of the Business and Professions Code) sets

forth provisions pertaining to the licensing of persons and businesses associated with controlled gambling in California. Both the California Gambling Control Commission (Commission) and the Bureau have enacted regulations pursuant to specific provisions of the Gambling Control Act. Existing regulations require an applicant to submit a deposit amount, in addition to the required application fee, before the Bureau initiates any background investigation, review, or approval related to a license, a finding of suitability, or an approval. An applicant's deposit is designated for the costs and charges that, in the judgment of the Bureau Chief, will be adequate to pay the anticipated costs and charges incurred by the Bureau to conduct the mandated investigation or review. Also in accordance with Business and Professions Code Section 19867, the Bureau Chief may require an applicant to deposit additional sums necessary to pay additional costs and charges of the investigation.

The proposed regulation will increase the deposit amounts and add new deposits required by the Bureau. These necessary increases will ensure the deposits are adequate to pay the anticipated investigation and processing costs required by Business and Professions Code Sections 19867 and 19984, and that applicants are noticed as to the potential cost of such investigations, reviews and approvals. This proposed regulation was prompted by a recent review of the average costs for certain investigations. The Bureau discovered that the deposits for these investigations are not sufficient to complete the necessary investigation or review, resulting in delayed processing times.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Bureau has made the following initial determinations:

Required Determinations

LOCAL MANDATE

These regulations do not impose a mandate on local agencies or school districts.

IMPACT ON PRIVATE PERSONS/BUSINESSES

The Bureau is not aware of any cost impacts other than the stated deposits that a representative, private person or business would necessarily incur in reasonable compliance with the proposed action.

IMPACT ON BUSINESS

The Bureau has made a determination that the proposed regulatory changes will not have a significant sta-

tewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

IMPACT ON SMALL BUSINESS

The Bureau has determined that the proposed regulatory changes will have no adverse impact on businesses. The proposed regulatory changes are essentially intended to better align the amounts of the investigative deposits with the actual costs for background investigations, which gaming businesses and other types of applicants are already required to pay. It should be noted that the Bureau is authorized to employ external resources for background investigations, and affected applicants are required to pay the higher costs in those cases as well. Therefore, the proposed regulatory changes would not result in additional costs to businesses, but rather would result in a schedule of deposits that more accurately reflects the actual costs for investigations.

SIGNIFICANT EFFECT ON HOUSING COSTS

The Bureau has made an initial determination that the proposed regulatory action would not affect housing costs.

COST OR SAVINGS TO ANY STATE AGENCY

None.

COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT THAT MUST BE REIMBURSED IN ACCORDANCE WITH GOVERNMENT CODE SECTION 17561

None.

OTHER NON-DISCRETIONARY COST OR SAVINGS IMPOSED UPON LOCAL AGENCIES

None.

COST OR SAVINGS IN FEDERAL FUNDING TO THE STATE

None.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Bureau must determine that no rea-

sonable alternative considered by the Bureau or that has otherwise been identified and brought to the attention of the Bureau would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Bureau invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

ASSESSMENT REGARDING CREATION OR ELIMINATION OF JOBS IN CALIFORNIA

The Bureau has made an assessment and determined that the adoption of the proposed regulation will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

AVAILABILITY OF STATEMENT OF REASONS, PROPOSED REGULATIONS, AND OTHER INFORMATION

The Bureau has prepared a statement of reasons for the proposed amendments to existing regulations and a listing of the exact regulations being proposed.

Copies of the exact language of the statement of reasons and of the text of the proposed amendments to existing regulations and any other information may be obtained from the Bureau contact person shown in this notice. Copies of the exact language of the statement of reasons and of the text of the proposed amendments to existing regulations may also be obtained through the Bureau's web page on the Attorney General's web site at www.ag.ca.gov/gambling/regulations.php.

With the exception of any non-substantive technical or grammatical changes, the full text of any amended proposal will be available for 15 days prior to its adoption to all persons who submit written comments during the public comment period, and all persons who request notification.

AVAILABILITY OF CHANGED OR AMENDED TEXT

After the Bureau analyzes all timely and relevant comments received during the comment period, the Bureau will either adopt the amendments to the existing regulations as described in this notice, or make modifications based on the comments. If the Bureau makes modifications which are sufficiently related to the original text of the proposed amendments to the existing regulations, the amended text, with the changes clearly indicated, will be made available to the public for at least

15 days before the Bureau adopts the revised amendments to the existing regulations. The Bureau will accept written comments on the amended regulations for 15 days after the date on which they are made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Once the Final Statement of Reasons has been prepared, it will be made available through the contact person shown in this notice.

CONTACT PERSON

Inquiries concerning this rulemaking should be directed to:

Penny Brown, Licensing Support Services
Department of Justice
Division of Law Enforcement
Bureau of Gambling Control
1425 River Park Drive, Ste. 400
Sacramento, CA 95815
Telephone: (916) 263-5820
E-mail: penny.brown@doj.ca.gov
FAX: (916) 732-7959

Requests for a copy of the proposed text of the regulation or Initial Statement of Reasons should be directed to:

Susanne George, Bureau Regulations Coordinator
Department of Justice
Division of Law Enforcement
Bureau of Gambling Control
1425 River Park Drive, Ste. 400
Sacramento, CA 95815
Telephone: (916) 263-4971
E-mail: susanne.george@doj.ca.gov
FAX: (916) 263-0928

TITLE 14. SIERRA NEVADA CONSERVANCY

NOTICE OF PROPOSED ACTION TO AMEND THE CONFLICT-OF-INTEREST CODE OF THE SIERRA NEVADA CONSERVANCY

NOTICE IS HEREBY GIVEN that the Sierra Nevada Conservancy, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendments to its Conflict-of-Interest Code. The purpose of these amendments is to implement the require-

ments of sections 87300 through 87302, and section 87306 of the Government Code.

The Sierra Nevada Conservancy proposes to amend its Conflict-of-Interest Code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code.

The amendments change the designation of employees to list current position titles for staff required to file statements of economic interest, consistent with the Conservancy's current organizational structure, revises the disclosure categories to reflect the Conservancy's grant activities, and makes other technical changes. Copies of the proposed amendments to the code are available and may be requested from the Contact Person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them to the Conservancy at the Board meeting on June 2, 2010, or to the Conservancy at its offices in writing no later than June 10, 2010 addressed to the Contact Person set forth below.

The proposed amendments will be considered at a public meeting of the Sierra Nevada Conservancy on June 2, 2010. Details concerning this meeting are available on the Conservancy's website [www.sierranevada.ca.gov]. No further public hearing has been scheduled at this time concerning the proposed amendments.

The Sierra Nevada Conservancy has prepared a written explanation of the reasons for the proposed amendments and has available the information on which the amendments are based. Copies of the proposed amendments, the written explanation of the reasons, and the information on which the amendments are based may be obtained by contacting the Contact Person set forth below.

The Sierra Nevada Conservancy has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

In making these proposed amendments, the Sierra Nevada Conservancy must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected persons than the proposed amendments.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

Christine Sproul
Office of the California Attorney General
1300 I Street
Sacramento, CA 95814
916-324-5343
Christine.Sproul@doj.ca.gov

or

Joan Keegan
Assistant Executive Officer
11521 Blocker Drive
Auburn, CA 95603
530-823-4670
jkeegan@sierranevada.ca.gov

TITLE 16. CALIFORNIA ARCHITECTS BOARD

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS

NOTICE IS HEREBY GIVEN that the California Architects Board (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the California Architects Board, 2420 Del Paso Road, Suite 105, Sacramento, California, at 2:00 p.m. on June 2, 2010. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office at the above address not later than June 1, 2010 at 5:00 p.m. or at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposal substantially as described below or may modify such proposal if such modification is sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in the Notice as the contact person and will be mailed to those persons who submit

written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference

Pursuant to the authority vested by Section 5526 of the Business and Professions Code, and to implement, interpret, or make specific Sections 5550 and 5552 of said Code, the Board is considering changes to Division 2 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Section 5526 of the Business and Professions Code authorizes the Board to adopt, amend, modify, or repeal rules and regulations as are reasonably necessary to carry into effect the provisions of the Architects Practice Act. Section 5550 authorizes the Board to establish qualifications required to become eligible for examination. Section 5552 authorizes the Board to require architect applicants to furnish evidence of having completed training in architectural work.

Amend Section 117 — Experience Evaluation

Existing regulations specify work experience shall only be granted when the supervising licensed professional is licensed in a United States jurisdiction, Canadian province, or a qualifying foreign country where the work experience is obtained or the project is located. This proposal would allow candidates to obtain training credits when his or her supervising professional holds a license in any U.S. jurisdiction or Canadian province regardless of whether the supervising professional is licensed in the specific U.S. jurisdiction or Canadian province where the work is performed or project is located. The Board would retain the requirement that in order to gain work experience in a qualifying foreign country, the supervising professional must be licensed in the same country where the work experience is obtained or project is located in order to maintain the same level of equivalency standards. This proposal would align the Board's regulations with the National Council of Architectural Registration Boards' (NCARB) revised national standard.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State

None

Nondiscretionary Costs/Savings to Local Agencies

None

Local Mandate

None

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Requires Reimbursement

None

Business Impact

The Board has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with business in other states, because it affects only architect applicants.

Impact on Jobs/New Businesses

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California because it affects only architect applicants.

Cost Impact on Representative Private Person or Business

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs

None

Effect on Small Business

The proposed regulatory action will not affect small businesses, because it affects only architect applicants.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determination at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS
AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the California Architects Board at 2420 Del Paso Road, Suite 105, Sacramento, California, 95834, or by telephoning the contact person listed below.

AVAILABILITY AND LOCATION OF THE
FINAL STATEMENT OF REASONS AND
RULEMAKING FILE

All of the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the Web site listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rule-making action may be addressed to:

California Architects Board
2420 Del Paso Road, Suite 105
Sacramento, CA 95834
Attn: Timothy Rodda
(916) 575–7217
(916) 575–7283 (FAX)
Timothy_Rodda@dca.ca.gov

The backup contact person is:

Justin Sotelo
2420 Del Paso Road, Suite 105
Sacramento, CA 95834
(916) 575–7212
(916) 575–7283 (FAX)
Justin_Sotelo@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Timothy Rodda at (916) 575–7217.

Web site Access

Materials regarding this proposal can be found at www.cab.ca.gov.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND GAME

**Department of Fish and Game —
Public Interest Notice**
For Publication April 16, 2010
CESA CONSISTENCY DETERMINATION
REQUEST FOR
CordeValle Golf Course Project
Santa Clara County
2080–2010–008–03

The Department of Fish and Game (Department) received a notice on April 1, 2010, that CordeValle Golf Course (CordeValle) proposes to rely on consultation between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act (CESA). This project includes the construction and enhancement of four breeding ponds for California Tiger Salamanders on a project site consisting of an 18-hole golf course, a hotel, a clubhouse, seven residential lots, a vineyard, a winery, and 1,089 acres of open space in Santa Clara County, California (Project).

Project activities will result in adverse permanent impacts to 2.43 acres of upland habitat and 0.1 acres of aquatic habitat suitable for the California tiger salamander (*Ambystoma Californiense*) and take of an unquantifiable number of individual California tiger salamanders.

The U.S. Fish and Wildlife Service (Service) issued a “no jeopardy” federal biological opinion (1–1–05–F–0180)(BO) and incidental take statement (ITS) to the U.S. Army Corps of Engineers (Corps) on July 07, 2005, which considered the effects of the Project on the Federally and State threatened California tiger salamander. Pursuant to California Fish and Game Code Section 2080.1, CordeValle is requesting a determination that the BO and ITS are consistent with CESA for purposes of the proposed Project. If the Department determines the BO and ITS are consistent with CESA for the proposed Project, CordeValle will not be required to obtain an incidental take permit under Fish and Game Code section 2081 for the Project.

DEPARTMENT OF FISH AND GAME

**Department of Fish and Game —
Public Interest Notice**
For Publication April 16, 2010
CESA CONSISTENCY DETERMINATION
REQUEST FOR
Markeley Road Extension Project
Solano County
2080–2010–007–03

The Department of Fish and Game (Department) received a notice on April 1, 2010, that Travis Unified School District (TUSD) proposes to rely on consultation between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act (CESA). This project consists of construction of a 1,500-foot long by 36-foot wide paved roadway with bicycle lanes and a 6-foot wide sidewalk within a 60-foot wide access easement, partly in the City of Fairfield and partly in unincorporated areas of Solano County, California (Project).

Project activities will result in adverse permanent impacts on 2.77 acres of upland habitat and 0.094 acre of seasonal wetland habitat suitable for the California tiger salamander (*Ambystoma Californiense*). The Project will also result in potential mortality, injury, or harassment of adult and juvenile salamanders during construction activities and potential mortality, injury, harassment, or blockage of movement of adult and juvenile salamanders during migration.

The U.S. Fish and Wildlife Service (Service) issued a “no jeopardy” federal biological opinion (81420–2010–F–0197–1)(BO) and incidental take statement (ITS) to the U.S. Army Corps of Engineers (Corps) on March 30, 2010, which considered the effects of the Project on the Federally and State threatened California tiger salamander. Pursuant to California Fish and Game Code Section 2080.1, TUSD is requesting a determination that the BO and ITS are consistent with CESA for purposes of the proposed Project. If the Department determines the BO and ITS are consistent with CESA for the proposed Project, UTC will not be required to obtain an incidental take permit under Fish and Game Code section 2081 for the Project.

DEPARTMENT OF FISH AND GAME

Department of Fish and Game — Public Interest Notice

For Publication April 16, 2010

CESA CONSISTENCY DETERMINATION REQUEST FOR

Palermo–Colgate–Rio Oso 230 kV Transmission
Line Project
Butte, Sutter, and Yuba Counties
2080–2010–009–02

The Department of Fish and Game (Department) received a notice on April 5, 2010, that the Pacific Gas and Electric Company (PG&E) proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act (CESA). The proposed project would modify existing 230 kV transmission line facilities — which consist of aluminum conductor line supported by steel lattice towers — between the Palermo Junction in Butte County, the Colgate Powerhouse in Yuba County, and the Rio Oso Substation in Sutter County (Project). The Project would raise 81 existing towers and install new conductor line capable of transmitting electrical current in high temperatures during peak demand with less expansion and sagging than the existing conductor.

Project activities will result in temporary impacts limited to one season or one year to approximately 13.939 acres of habitat, and temporary impacts lasting more than one season or one year to 3.394 acres of habitat suitable for giant garter snake (*Thamnophis Gigas*). The installation of guard structures at public roadways could cause such impacts as minor temporary modifications of habitat, disturbances associated with construction intrusion, and potential direct loss of individual snakes due to excavation or equipment/vehicle operation. The establishment and use of temporary pull sites for installing conductor line on the modified towers, both during the months when snakes are active and also during the months when the snakes are inactive, may also result in impacts to giant garter snake. The project may limit giant garter snake's ability to find and utilize suitable upland habitat for winter hibernation.

The U.S. Fish and Wildlife Service (Service) issued a "no jeopardy" *Programmatic Formal Consultation for U.S. Army Corps of Engineers 404 Permitted Projects with Relatively Small Effects on the Giant Garter Snake within Butte, Colusa, Glenn, Fresno, Merced, Sacramento, San Joaquin, Solano, Stanislaus, Sutter and Yolo Counties, California* (Programmatic BO)(1–1F–97–149) and Incidental Take Statement (ITS) to the U.S. Army Corps of Engineers (Corps) on November 13, 1997. The Service issued a Biological

Opinion (BO) 81420–2008–F–1799–R002) amending the Programmatic BO on March 31, 2010, which considered the effects of the project on the Federally threatened and State threatened giant garter snake. Pursuant to California Fish and Game Code Section 2080.1, PG&E is requesting a determination that the Programmatic BO and ITS, as amended, are consistent with CESA for purposes of the proposed Project. If the Department determines the BO and ITS are consistent with CESA for the proposed Project, PG&E will not be required to obtain an incidental take permit under Fish and Game Code section 2081 for the Project.

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653–7715. Please have the agency name and the date filed (see below) when making a request.

File# 2010–0222–01

AIR RESOURCES BOARD

New Passenger Motor Vehicle GHG Emission Standards

This rulemaking action amends regulations required by Assembly Bill 1493 (Chapter 200 of 2002) and also implements Assembly Bill 32 (Chapter 488 of 2006). The rulemaking amends regulations in Title 13 of the California Code of Regulations to allow automobile manufacturers to demonstrate compliance with fleet average greenhouse gas emissions by pooling California automobile sales with sales in other Clean Air Act Section 177 states and the District of Columbia so that manufacturers can develop one compliance plan for all included jurisdictions. The rulemaking also amends regulations to allow manufacturers to use emissions test data from the federal Corporate Average Fuel Economy program to demonstrate compliance with California greenhouse gas emission regulations so as to reduce the number of emissions tests which would otherwise have to be conducted.

Title 13

California Code of Regulations

AMEND: 1961, 1961.1

Filed 04/01/2010

Effective 04/01/2010

Agency Contact: Trini Balcazar (916) 445–9564

File# 2010-0329-03
AIR RESOURCES BOARD
 GHG New Passenger Vehicle 2010

This rulemaking action amends regulations required by Assembly Bill 1493 (Chapter 200 of 2002) and also implements Assembly Bill 32 (Chapter 488 of 2006). The rulemaking amends regulations in Title 13 of the California Code of Regulations to allow automobile manufacturers to demonstrate compliance with California greenhouse gas emission reduction regulations by complying with the National Greenhouse Gas Program rules, which became final on April 1, 2010.

Title 13
 California Code of Regulations
 AMEND: 1961, 1961.1
 Filed 04/01/2010
 Effective 04/01/2010
 Agency Contact: Trini Balcazar (916) 445-9564

File# 2010-0224-01
AIR RESOURCES BOARD
 Resubmittal of Small Off-Road Engines

This rulemaking action reforms and rebalances the Certification and Production Credits Program for small off-road engines. It establishes a five-year expiration on Certification Credits, eliminates Production Credits, and encourages the development of cleaner small-engine technologies by providing zero-emission equipment credits to products which are sufficiently commercially viable and useful as gas-powered engine equipment.

Title 13
 California Code of Regulations
 ADOPT: 2408.1 AMEND: 2401, 2403, 2404, 2405, 2406, 2408, 2409
 Filed 04/05/2010
 Effective 05/05/2010
 Agency Contact: Amy Whiting (916) 322-6533

File# 2010-0223-01
CALIFORNIA GAMBLING CONTROL COMMISSION
 MICS: Emergency Preparedness, Security and Surveillance

This action replaces the existing regulation that obliges each gambling establishment to have a plan for security and emergencies with a more detailed regulatory program that calls video and audio monitoring and record keeping for many aspects of the operations of gambling establishments.

Title 4
 California Code of Regulations
 ADOPT: 12372, 12395, 12396 AMEND: 12370
 Filed 04/06/2010
 Effective 05/06/2010
 Agency Contact: James Allen (916) 263-4024

File# 2010-0323-02
DEPARTMENT OF CORPORATIONS
 SAFE Mortgage Licensing Act

This regulatory action requires mortgage loan originators who offer and negotiate residential mortgages to be licensed and registered with the Department of Corporations by July 31, 2010 in order to do business in California.

Title 10
 California Code of Regulations
 ADOPT: 1409.1, 1414, 1422.4, 1422.4.1, 1422.5, 1422.6, 1422.6.1, 1422.6.2, 1422.6.3, 1422.7, 1422.7.1, 1422.9, 1422.10, 1422.11, 1422.12, 1424, 1437, 1950.122.2.1, 1950.122.4, 1950.122.4.1, 1950.122, 1950.122.5, 1950.122.5.1, 1950.122.5.2, 1950.122.5.3, 1950.122.5.4, 1950.122.6, 1950.122.7, 1950.122.8, 1950.122.9, 1950.122.10, 1950.122.11, 1950.122.12, 1950.205.1, 1950.209, 1950.307 AMEND: 1404, 1409, 1411, 1430.5, 1431, 1433, 1436, 1454, 1550, 1552, 1557, 1950.003, 1950.122.2, 1950.123, 1950.204.3, 1950.204.4, 1950.301, 1950.314.8, 1950.316, 1950.317
 REPEAL: 1950.122
 Filed 04/01/2010
 Effective 04/01/2010
 Agency Contact: Karen Fong (916) 322-3553

File# 2010-0329-01
DEPARTMENT OF FOOD AND AGRICULTURE
 Light Brown Apple Moth Interior Quarantine

This emergency rulemaking expands the Light Brown Apple Moth (LBAM) interior quarantine area in Monterey County by approximately 14 square miles. The action expands the quarantine area by approximately eight square miles in the Gonzales area of Monterey County with the remaining expansion around the Carmel Valley Village area.

Title 3
 California Code of Regulations
 AMEND: 3434(b)
 Filed 04/05/2010
 Effective 04/05/2010
 Agency Contact:
 Stephen S. Brown (916) 654-1017

File# 2010-0224-02
DEPARTMENT OF PUBLIC HEALTH
Clinical Laboratory Personnel Licensure — Rule 100

This action updates two sections regarding the examination and licensure of clinical genetic molecular biologist scientists and clinical cytogeneticist scientists. This change is necessary since a new organization, American Society for Clinical Pathology (ASCP) now conducts the very same exam previously administered by the National Credentialing Agency for Laboratory Personnel (NCA), which has since joined ASCP.

Title 17
California Code of Regulations
AMEND: 1031.2, 1031.3
Filed 04/07/2010
Agency Contact:
Rosalie Dvorak-Remis (916) 327-4310

File# 2010-0222-02
DEPARTMENT OF REAL ESTATE
Foreclosure Prevention Act

The Department of Real Estate (Department) adopted a certificate of compliance for an emergency regulatory action which established the minimum requirements for a comprehensive loan modification program under Civil Code section 2923.53 in order for a mortgage loan servicer to obtain an order of exemption from Civil Code Section 2923.52 in the California Foreclosure Prevention Act.

Title 10
California Code of Regulations
ADOPT: 2850.1, 2850.2, 2850.3, 2850.4, 2850.5, 2850.6, 2850.7, 2850.8, 2850.9, 2850.10
Filed 04/06/2010
Agency Contact:
Daniel E. Kehew (916) 227-0425

File# 2010-0226-01
EMPLOYMENT TRAINING PANEL
Contractor Relocation

In this regulatory action, the Employment Training Panel amends a regulation which provides when a contractor under an Employment Training Panel Agreement may be required to return payment earned under the Agreement. The regulation is amended to cover participating employers under multiple employer contracts, to cover situations where a single-employer contractor ceases business operations at a facility at which training was provided, and to provide clarification regarding the duration of time in which return of payment may be required.

Title 22
California Code of Regulations
AMEND: 4446.5
Filed 04/05/2010
Effective 05/05/2010
Agency Contact:
Maureen Reilly (916) 327-5422

File# 2010-0223-03
OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD
Low Voltage Electrical Safety Orders — Addendum

This rulemaking action updates the Title 8 Low-Voltage Electrical Safety Orders (LVESO) to make the LVESO as least as effective as federal OSHA requirements.

Title 8
California Code of Regulations
AMEND: 2305.2, 2340.16, 2360.3, 2405.4, 2534.8
Filed 04/06/2010
Effective 05/06/2010
Agency Contact: Marley Hart (916) 274-5721

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN November 4, 2009 TO
April 7, 2010**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2
03/23/10 AMEND: 18351
03/19/10 ADOPT: 59670
03/19/10 AMEND: 18942 REPEAL: 18630
03/11/10 AMEND: 18932.4
02/24/10 AMEND: 1859.2, 1859.41, Form SAB 50-01, Form SAB 50-02
02/23/10 AMEND: div. 8, ch. 16, sec. 37000
02/19/10 AMEND: 52400
02/11/10 ADOPT: 18421.9 AMEND: 18431
02/11/10 AMEND: 18950.3
02/09/10 ADOPT: 59660
01/26/10 ADOPT: 1899.570, 1899.575, 1899.580, 1899.585
01/25/10 AMEND: 58100
01/19/10 AMEND: div. 8, ch. 102, sec. 59100
01/14/10 AMEND: Section 27000
01/13/10 ADOPT: div. 8, ch. 119, sec. 59640

01/11/10 ADOPT: 18229.1, 18944 REPEAL: 18944
 01/05/10 AMEND: div. 8, ch. 49, sec. 53800
 12/22/09 AMEND: 1859.96, 1859.148.2, 1859.166.2
 12/21/09 AMEND: 1896.4, 1896.12
 12/21/09 ADOPT: 20714.5 AMEND: 20711, 20712, 20714, 20716, 20717, 20718, 20719
 11/24/09 AMEND: 1859.2
 11/24/09 AMEND: 1859.2, 1859.35, 1859.51, Form SAB 50-02, SAB Form 50-03, SAB Form 50-04
 11/17/09 ADOPT: 20810, 20811, 20812, 20813, 20814, 20815, 20816, 20817, 20818, 20819, 20820, 20821, 20822, 20823, 20830, 20831, 20832, 20833, 20840, 20841, 20842
 11/16/09 AMEND: 1859.129, 1859.197
 11/12/09 ADOPT: 18944.4 AMEND: 18944.3
 11/12/09 ADOPT: 18219, 18734
 11/09/09 ADOPT: 1859.148.2, 1859.166.2 AMEND: 1859.2, 1859.121, 1859.164.2, 1859.197
 11/09/09 ADOPT: 604 REPEAL: 604
 11/05/09 ADOPT: 60800, 60801, 60802, 60803, 60804, 60805, 60806, 60807, 60808, 60809, 60810, 60811, 60812, 60813, 60814, 60815, 60816, 60817, 60818, 60819, 60820, 60821, 60822, 60823, 60824, 60825, 60826, 60827, 60828, 60829, 60830, 60831, 60832, 60833, 60834, 60835, 60836, 60837, 60840, 60841, 60842, 60843, 60844, 60845, 60846, 60847, 60848, 60849, 60850, 60851, 60852, 60853, 60854, 60855

Title 3

04/05/10 AMEND: 3434(b)
 03/24/10 ADOPT: 3436
 03/24/10 AMEND: 3588
 03/17/10 AMEND: 3423(b)
 03/15/10 AMEND: 3434(b)
 03/10/10 AMEND: 3591.20(a)
 03/10/10 AMEND: 3434(b)
 03/04/10 AMEND: 3700(c)
 03/04/10 AMEND: 3406(b)
 03/03/10 REPEAL: 3279, 3433
 03/03/10 AMEND: 3591.20
 03/03/10 AMEND: 3406(b)
 03/03/10 AMEND: 3423(b)
 03/03/10 ADOPT: 3437
 02/26/10 AMEND: 3435
 02/18/10 AMEND: 3591.23
 02/18/10 ADOPT: 3591.24

01/25/10 AMEND: 3434(b)
 01/25/10 AMEND: 3406(b)
 01/25/10 ADOPT: 1430.54, 1430.55, 1430.56, 1430.57
 01/19/10 ADOPT: 3436
 01/12/10 AMEND: 3434(b)
 01/11/10 AMEND: 3406(b) and (c)
 01/06/10 AMEND: 3435(b)
 01/04/10 AMEND: 2675, 2734, 2735
 12/31/09 AMEND: 3434(b), (c), (e)
 12/29/09 AMEND: 3423(b)
 12/28/09 AMEND: 3434(b)
 12/28/09 AMEND: 3434(b)
 12/16/09 AMEND: 3591.20(a)
 12/16/09 AMEND: 3406(b)(c)
 11/25/09 AMEND: 3435(b)
 11/24/09 AMEND: 3430(b)
 11/16/09 AMEND: 3435(b)
 11/16/09 AMEND: 3406(b)(c)
 11/10/09 AMEND: 3434(b)

Title 4

04/06/10 ADOPT: 12372, 12395, 12396 AMEND: 12370
 03/29/10 AMEND: 1685
 03/29/10 AMEND: 1632
 03/25/10 AMEND: 10175, 10176, 10177, 10178, 10179, 10180, 10181, 10182, 10185, 10187, 10188, 10190
 03/15/10 ADOPT: 12482
 02/01/10 AMEND: 1867
 01/29/10 AMEND: 1866
 01/27/10 AMEND: 10020
 01/27/10 AMEND: 1890
 01/27/10 AMEND: 1859
 01/27/10 AMEND: 1843.6 and 1858
 12/17/09 AMEND: 8070, 8072, 8073, 8074
 12/09/09 AMEND: 12388
 12/08/09 ADOPT: 12218.8, 12218.9, 12238, 12239 AMEND: 12200.9, 12200.10A, 12200.11, 12200.13, 12203.2, 12205.1, 12218, 12218.7, 12220.13, 12220.18, 12220.23, 12225.1, 12233, 12235

Title 5

02/26/10 AMEND: 19824, 19851, 19854
 02/01/10 ADOPT: 70030, 70040, 71135, 71320, 71390, 71395, 71400.5, 71401, 71475, 71480, 71485, 71640, 71650, 71655, 71716, 71750, 71760, 74110, 74115, 76020, 76140, 76212, 76240 AMEND: 70000, 70010, 70020, 71100, 71110, 71120, 71130, 71140, 71150, 71160, 71170, 71180, 71190, 71200, 71210, 71220, 71230, 71240, 71250, 71260, 71270, 71280, 71290, 71300, 71310,

71340, 71380, 71400, 71405, 71450, 71455, 71460, 71465, 71470, 71500, 71550, 71600, 71630, 71700, 71705, 71710, 71715, 71720, 71730, 71735, 71740, 71745, 71770, 71810, 71850, 71865, 71920, 71930, 74000, 74002, 74004, 74006, 74120, 74130, 74140, 74150, 74160, 74170, 74190, 74200, 76000, 76120, 76130, 76200, 76210, 76215 REPEAL: 70030, 71000, 71005, 71010, 71020, 71330, 71360, 71410, 71415, 71420, 71490, 71495, 71505, 71510, 71515, 71520, 71555, 71560, 71565, 71605, 71610, 71615, 71650, 71655, 71725, 71775, 71800, 71805, 71830, 71855, 71860, 71870, 71875, 71880, 71885, 71890, 71900, 71905, 71910, 72000, 72005, 72010, 72020, 72101, 72105, 72110, 72120, 72130, 72140, 72150, 72160, 72170, 72180, 72190, 72200, 72210, 72220, 72230, 72240, 72250, 72260, 72270, 72280, 72290, 72300, 72310, 72330, 72340, 72360, 72380, 72400, 72405, 72410, 72415, 72420, 72450, 72455, 72460, 72465, 72470, 72500, 72505, 72515, 72520, 72550, 72555, 72560, 72565, 72570, 72600, 72605, 72610, 72615, 72650, 72655, 72700, 72701, 72705, 72710, 72715, 72720, 72725, 72730, 72735, 72740, 72745, 72770, 72775, 72800, 72805, 72810, 72830, 72850, 72855, 72860, 72865, 72870, 72875, 72880, 72885, 72890, 72900, 72905, 72910, 72915, 72920, 72930, 73000, 73010, 73100, 73110, 73120, 73130, 73140, 73150, 73160, 73165, 73170, 73180, 73190, 73200, 73210, 73220, 73230, 73240, 73260, 73270, 73280, 73290, 73300, 73310, 73320, 73330, 73340, 73350, 73360, 73380, 73390, 73400, 73410, 73420, 73430, 73440, 73470, 73480, 73500, 73520, 73530, 73540, 73550, 73600, 73610, 73620, 73630, 73640, 73650, 73660, 73670, 73680, 73690, 73700, 73710, 73720, 73730, 73740, 73750, 73760, 73765, 73770, 73780, 73790, 73800, 73820, 73830, 73831, 73832, 73850, 73860, 73870, 73880, 73890, 73900, 73910, 74008, 74010, 74014, 74016, 74018, 74020, 74030, 74040, 74050, 74100, 74180, 74300, 74310, 74320, 75000, 75020, 75030, 75040, 75100, 75110, 75120, 75130, 76010	01/21/10 ADOPT: 30701, 30702, 30703, 30704, 30705, 30706, 30707, 30708, and 30709 REPEAL: 30701, 30702, 30703, 30704, 30705, 30706, 30707, 30708, and 30709 01/21/10 ADOPT: 80034.1, 80034.2, 80034.3 AMEND: 80035, 80035.1, 80035.5 01/04/10 AMEND: 1203, 1204, 1205, 1206, 1207.1, 1208, 1209, 1211, 1217, 1218, 1219, 1220, 1225 12/18/09 AMEND: 41905 12/16/09 ADOPT: 19828.4, 19837.3, 19839, 19845.2 AMEND: 19815, 19816, 19816.1, 19828.3, 19837.2, 19845.1, 19846 12/16/09 ADOPT: 30730, 30731, 30732, 30733, 30734, 30735, 30736
Title 8	
	04/06/10 AMEND: 2305.2, 2340.16, 2360.3, 2405.4, 2534.8 03/24/10 AMEND: 4301 03/10/10 AMEND: 6070, 6074, 6075, 6080, 6085, 6087, 6089, 6090, 6100, 6115, 6120, Article 154, Appendix A, Appendix B 02/03/10 AMEND: 5155 02/02/10 AMEND: 1549(h) 12/09/09 AMEND: 9812, 10111.2 12/02/09 AMEND: 4086 11/19/09 AMEND: 15600, 15601, 15602, 15603, 15604, 15605, 15606, 15607, 15611 11/04/09 AMEND: 9771, 9778, 9779, 9779.5 REPEAL: 9779.9
Title 9	
	12/21/09 ADOPT: 9550 12/21/09 ADOPT: 10700, 10701 AMEND: 10518, 10529 REPEAL: 10532, 10533 11/04/09 ADOPT: 3200.125, 3200.215, 3200.217, 3200.253, 3200.254, 3200.255, 3200.256, 3200.275, 3200.276, 3200.320, 3200.325, 3550, 3810, 3820, 3830, 3840, 3841, 3842, 3843, 3844, 3844.1, 3845, 3850, 3851, 3851.1, 3852, 3853, 3854, 3854.1, 3854.2, 3856 AMEND: 3310, 3510
Title 10	
	04/06/10 ADOPT: 2850.1, 2850.2, 2850.3, 2850.4, 2850.5, 2850.6, 2850.7, 2850.8, 2850.9, 2850.10 04/01/10 ADOPT: 1409.1, 1414, 1422.4, 1422.4.1, 1422.5, 1422.6, 1422.6.1, 1422.6.2, 1422.6.3, 1422.7, 1422.7.1, 1422.9, 1422.10, 1422.11, 1422.12, 1424, 1437, 1950.122.2.1, 1950.122.4, 1950.122.4.1, 1950.122, 1950.122.5, 1950.122.5.1, 1950.122.5.2, 1950.122.5.3,

	1950.122.5.4, 1950.122.6, 1950.122.7, 1950.122.8, 1950.122.9, 1950.122.10, 1950.122.11, 1950.122.12, 1950.205.1, 1950.209, 1950.307 AMEND: 1404, 1409, 1411, 1430.5, 1431, 1433, 1436, 1454, 1550, 1552, 1557, 1950.003, 1950.122.2, 1950.123, 1950.204.3, 1950.204.4, 1950.301, 1950.314.8, 1950.316, 1950.317 REPEAL: 1950.122	12/01/09	AMEND: 2699.200, 2699.201
03/29/10	AMEND: 2202, 2203	11/19/09	AMEND: 5500, 5501, 5502, 5503, 5504, 5505, 5506, 5507
03/18/10	ADOPT: 5500, 5501, 5502, 5503, 5504, 5505, 5506, 5507	11/19/09	AMEND: 2498.5
02/23/10	ADOPT: 2756, 2758.1, 2758.2, 2758.3, 2758.4, 2758.5, 2758.6, 2758.7, 2945.1, 2945.2, 2945.3, 2945.4 AMEND: 2750, 2911	11/19/09	AMEND: 2498.5
02/23/10	ADOPT: 2187, 2187.1, 2187.3, 2187.6, 2188.2.5, 2188.5.5, 2188.50(a), 2188.50(b), 2188.50(c), 2188.50(e), 2188.50(h) AMEND: 2186, 2186.1, 2187 (renumbered to 2187.3), 2187.1 (renumbered to 2187.2), 2187.2 (renumbered to 2187.7), 2187.3 (renumbered to 2187.4), 2187.4 (renumbered to 2187.5), 2188, 2188.1, 2188.2, 2188.3, 2188.4, 2188.5, 2188.23 (renumbered to 2188.50(d)), 2188.24 (renumbered to 2188.50(f)), 2188.83 (renumbered to 2188.50(g))	11/19/09	AMEND: 2498.4.9
02/03/10	AMEND: 2695.85	11/10/09	AMEND: 260.101.2, 260.103.4, 260.105.7, 260.105.17, 260.105.33, 260.105.34, 260.211.1, 260.217, 260.230, 260.241.4, 260.242 REPEAL: 260.105.37, 260.204.11
01/21/10	ADOPT: 3575, 3576, 3577 AMEND: 3500, 3522, 3523, 3524, 3526, 3527, 3528, 3529, 3530, 3582, 3681, 3702, 3703, 3721, 3724, 3726, 3728, 3731, 3741	Title 11	
01/07/10	AMEND: 2651.1, 2652.1, 2652.10, 2653.3, 2653.4, 2653.5, 2654.1, 2655.3, 2655.4	03/30/10	AMEND: 1084
12/15/09	REPEAL: 2232.45.1, 2232.45.2, 2232.45.3, 2232.45.4, 2232.45.5	01/11/10	38.3
12/08/09	AMEND: 2699.6603	01/05/10	AMEND: 900, 901, 902, 903, 904, 905, 906 REPEAL: 907, 908, 909, 910, 911
12/07/09	ADOPT: 2309.2, 2309.3, 2309.4, 2309.5, 2309.6, 2309.7, 2309.8, 2309.9, 2309.10, 2309.11, 2309.12, 2309.13, 2309.14, 2309.15, 2309.16, 2309.17, 2309.18, 2309.20	11/09/09	AMEND: 1005, 1007, 1008
12/03/09	AMEND: 2698.600, 2698.602	Title 13	
12/01/09	ADOPT: 2031.1, 2031.2, 2031.3, 2031.4, 2031.5, 2031.6, 2031.7, 2031.8 AMEND: 2031.9, 2031.10	04/05/10	ADOPT: 2408.1 AMEND: 2401, 2403, 2404, 2405, 2406, 2408, 2409
12/01/09	ADOPT: 2850.1, 2850.2, 2850.3, 2850.4, 2850.5, 2850.6, 2850.7, 2850.8, 2850.9, 2850.10	04/01/10	AMEND: 1961, 1961.1
12/01/09	ADOPT: 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.10	04/01/10	AMEND: 1961, 1961.1
		03/25/10	AMEND: 2480
		03/04/10	ADOPT: 205.00, 205.02, 205.04, 205.06, 205.08, 205.10, 205.12, 205.14
		03/03/10	AMEND: 423.00
		02/22/10	AMEND: 350.36, 350.38, 350.40, 350.44, 350.46
		01/14/10	ADOPT: 2032 AMEND: 1961, 1962, 1962.1, 1976, 1978
		01/05/10	AMEND: 553.70
		12/31/09	AMEND: 2449, 2449.1, 2449.2
		12/31/09	AMEND: 2449, 2449.1, 2449.2
		12/15/09	ADOPT: 155.07 AMEND: 155.05
		12/09/09	ADOPT: 2025
		12/03/09	AMEND: 425.01
		Title 13, 17	
		12/03/09	AMEND: Title 13 — 1956.8, 2020, 2022, 2022.1, 2027, 2449, 2449.3, 2451, 2452, 2453, 2455, 2456, 2458, 2461, 2462, 2479, 2485, Title 17 — 93116.1, 93116.2, 93116.3, 93116.5
		Title 14	
		03/29/10	ADOPT: 18452.1 AMEND: 18449, 18450, 18451, 18453, 18453.2, 18454, 18455, 18456, 18456.1, 18456.2, 18456.3, 18456.4, 18457, 18459, 18459.1, 18459.1.2, 18459.2.1, 18459.3, 18460.1, 18460.1.1, 18460.2, 18461, 18462, 18463, 18464, 18466, 18831 REPEAL: 18456.2.1, 18460.2.1
		03/10/10	AMEND: 670.5
		02/23/10	AMEND: 1052(a)

02/18/10 AMEND: 155
 02/16/10 ADOPT: 15064.4, 15183.5, 15364.5
 AMEND: 15064, 15064.7, 15065,
 15086, 15093, 15125, 15126.2, 15126.4,
 15130, 15150, 15183, Appendix F,
 Appendix G
 02/09/10 ADOPT: 1.54, 5.70, 5.83 AMEND: 1.74,
 2.00, 2.09, 2.30, 3.00, 5.00, 5.15, 5.30,
 5.37, 5.40, 5.51, 5.60, 5.79, 5.80, 5.81,
 5.82, 5.87, 5.88, 7.00, 7.50, 8.00, 27.80,
 27.92, 29.90, 700, 701
 02/03/10 AMEND: 11960
 02/01/10 AMEND: 1257
 01/29/10 AMEND: 791.7, 792
 01/28/10 AMEND: 2090, 2425, 2525, 2530
 01/14/10 ADOPT: 749.5
 01/13/10 REPEAL: 1.18
 01/08/10 AMEND: 4970.00, 4970.01, 4970.05,
 4970.06.1, 4970.07, 4970.07.2, 4970.08,
 4970.10, 4970.10.1, 4970.10.3,
 4970.10.4, 4970.11, 4970.14.1,
 4970.14.3, 4970.15.1, 4970.15.2,
 4970.15.3, 4970.17, 4970.19, 4970.19.2,
 4970.19.4, 4970.20, 4970.21, 4970.22,
 4970.24, 4970.25.1, 4970.26
 12/29/09 AMEND: 4609
 12/21/09 AMEND: 670.5
 12/21/09 AMEND: 2310, 2320
 12/02/09 AMEND: 699.5
 12/01/09 AMEND: 895, 895.1, 898, 914.8, 916,
 916.2, 916.5, 916.9, 916.11, 916.12,
 923.3, 923.9, 916.9.1, 923.9.1, 934.8,
 936.5, 936, 936.2, 936.9, 936.9.1, 936.11,
 936.12, 943.3, 943.9, 943.9.1, 954.8,
 956.5, 956, 956.2, 956.9, 956.11, 956.12,
 963.3, 963.9
 11/30/09 ADOPT: 1022.4, 1022.5, 1024.6
 AMEND: 1035.3, 1090.12, 1092.14
 11/30/09 AMEND: 1052, 1052.1, 1052.4
 11/25/09 AMEND: 895, 895.1, 919.9, 919.10,
 939.9, 939.10
 11/23/09 ADOPT: 749.4
 11/18/09 AMEND: 163, 164

Title 15

02/24/10 AMEND: 7001
 02/16/10 ADOPT: 3540, 3541, 3542, 3543, 3544,
 3545, 3546, 3547, 3548, 3560, 3561,
 3562, 3563, 3564, 3565
 02/02/10 ADOPT: 3054.3 AMEND: 3054, 3054.1,
 3054.2, 3054.3 (renumbered to 3054.4),
 3054.4 (renumbered to 3054.5), 3054.5
 (renumbered to 3054.6), 3054.6
 (renumbered to 3054.7)

01/25/10 ADOPT: 3042 AMEND: 3040, 3040.1,
 3041, 3041.2, 3043, 3043.1, 3043.3,
 3043.4, 3043.5, 3043.6, 3044, 3045,
 3045.1, 3045.2, 3045.3 REPEAL: 3040.2
 01/25/10 ADOPT: 3075.2(b)(4) through (b)(4)(C),
 3075.3(c), 3505 AMEND: 3000, 3075.2,
 3075.3, 3502, 3504
 01/07/10 AMEND: 1, 100, 102, 260, 261, 262, 263,
 351, 352, 353, 354, 355, 356, 358, 1006,
 1010, 1029, 1032, 1045, 1055, 1056,
 1063, 1081, 1083, 1084, 1100, 1122,
 1140, 1160, 1245, 1260, 1264, 1272,
 1280
 01/07/10 ADOPT: 3768, 3768.1, 3768.2, 3768.3
 REPEAL: 3999.6
 12/29/09 ADOPT: 3378.3 AMEND: 3000, 3378.1
 12/21/09 AMEND: 3287, 3290
 11/24/09 ADOPT: 3123, 3124 AMEND: 3041.3,
 3122, 3162, 3164, 3165

Title 16

03/29/10 ADOPT: 1355.4
 03/16/10 ADOPT: 311.1
 03/09/10 AMEND: 1016, 1017 REPEAL: 1016.1,
 1017.1
 03/08/10 AMEND: 4100
 02/24/10 AMEND: 4120
 02/22/10 ADOPT: 2262.1 AMEND: 2262
 02/18/10 ADOPT: 50.1
 02/16/10 ADOPT: 318.1
 01/06/10 AMEND: 1505
 01/06/10 ADOPT: 2.4
 01/06/10 ADOPT: 1735, 1735.1, 1735.2, 1735.3,
 1735.4, 1735.5, 1735.6, 1735.7, 1735.8
 AMEND: 1751, 1751.01, 1751.02,
 1751.1, 1751.2, 1751.3, 1751.4, 1751.5,
 1751.6, 1751.7, 1751.8, 1751.9
 REPEAL: 1716.1, 1716.2, 1751.1,
 1751.6, 1751.9
 12/18/09 ADOPT: 81, 87.8, 87.9 AMEND: 80, 87,
 87.1, 87.7, 88, 88.1, 88.2, 89
 12/16/09 ADOPT: 3340.45 AMEND: 3340.5,
 3340.15, 3340.16, 3340.42
 12/10/09 ADOPT: 39, 40, 41, 42, 43, 44, 45, 46, 48,
 48.1, 48.2, 48.3, 48.5, 48.6
 12/09/09 AMEND: 1314.1
 12/03/09 AMEND: 1338
 11/30/09 AMEND: 832.45, 832.46, 861 REPEAL:
 842
 11/30/09 AMEND: 2286
 11/12/09 ADOPT: 645
 11/05/09 ADOPT: 3340.42.2 AMEND: 3340.17,
 3340.42

Title 17

04/07/10 AMEND: 1031.2, 1031.3
 02/08/10 AMEND: 95362, 95365, 95366, 95367, 95368
 01/12/10 ADOPT: 95480, 95480.1, 95481, 95482, 95483, 95484, 95485, 95486, 95487, 95489, 95490
 12/28/09 ADOPT: 95340, 95341, 95342, 95343, 95344, 95345, 95346
 12/17/09 ADOPT: 100600, 100601, 100602, 100603, 100604, 100605, 100606, 100607, 100608, 100609, 100610, 100611
 12/14/09 ADOPT: 95320, 95321, 95322, 95323, 95324, 95325, 95326
 12/09/09 ADOPT: 95300, 95301, 95302, 95303, 95304, 95305, 95306, 95307, 95308, 95309, 95310, 95311
 11/12/09 AMEND: 30305
 11/10/09 ADOPT: 100502

Title 18

03/30/10 ADOPT: 3500 AMEND: 2300, 2401, 3502, 4041, 4500, 4508, 4701, 4702, 4703, 4901
 03/19/10 ADOPT: 25101.3 AMEND: 25137-7
 03/17/10 AMEND: 1699
 03/16/10 AMEND: 312(a)
 03/16/10 AMEND: 1597
 01/25/10 AMEND: 2504, 2505, 2506, 2507, 2508, 2509, 2512, 2513, 2514, 2525, 2530, 2535, 2536, 2537, 2538, 2540, 2541, 2542, 2543, 2544, 2557, 2560, 2561
 01/20/10 AMEND: 5237, 5266

Title 19

11/19/09 AMEND: 200, 204, 206, 207, 208, 209, 211, 212, 214, 215, 216, 217
 11/06/09 AMEND: 901, 905, 905.2, 906.3

Title 21

01/21/10 ADOPT: 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652

Title 22

04/05/10 AMEND: 4446.5
 03/03/10 AMEND: 70055, 70577, 70703, 70706, 70707, 70717, 70749, 70751, 70753, 71053, 71203, 71205, 71503, 71507, 71517, 71545, 71551, 71553, 72091, 72109, 72303, 72311, 72315, 72319, 72337, 72413, 72423, 72433, 72453, 72461, 72471, 72515, 72523, 72525, 72528, 72543, 72547, 73077, 73089,

73301, 73303, 73311, 73313, 73315, 73325, 73329, 73399, 73409, 73449, 73469, 73479, 73489, 73517, 73519, 73523, 73524, 73543, 73547, 79315, 79351, 79637, 79689

02/24/10 ADOPT: 97177.10, 97177.15, 97177.20, 97177.25, 97177.30, 97177.35, 97177.45, 97177.50, 97177.55, 97177.60, 97177.65, 97177.67, 97177.70, 97177.75, 97199.50, 97200
 AMEND: 97170, 97172, 97174, 97176, 97178, 97180, 97182, 97184, 97186, 97188, 97190, 97192, 97194 (renumbered as 97199), 97196, 97198

02/23/10 AMEND: 7000

01/27/10 AMEND: 4402.2, 4406, 4409, 4420, 4420.5, 4426

01/21/10 AMEND: 455.5-6, 455.5-7, 455.5-8

12/31/09 AMEND: 97018, 97019, 97215, 97216, 97222, 97225, 97226, 97227, 97231, 97232, 97234, 97240, 97241, 97244, 97245, 97246, 97249, 97260, 97261, 97264, 97267

12/21/09 AMEND: 7314

11/24/09 ADOPT: 65800, 65801, 65802, 65803, 65804, 65805, 65806, 65807, 65808

Title 22, MPP

03/04/10 ADOPT: 89475.1, 89475.2 AMEND: 89200, 89201, 89202, 89205, 89206, 89207, 89218, 89219, 89219.1, 89219.2, 89224, 89226, 89227, 89228, 89229, 89231, 89234, 89235, 89240, 89242, 89244, 89246, 89252, 89254, 89255, 89255.1, 89256, 89286, 89317, 89318, 89319, 89323, 89361, 89370, 89372, 89373, 89374, 89376, 89377, 89378, 89379, 89387, 89387.1 renumbered as 89387(h), 89387.2, 89388, 89400, 89405, 89410, 89420, 89421, 89465, 89468, 89469, 89475, 89510.1, 89510.2, 89565.1, 89566, 89569.1, 89572.2, 89587.1 REPEAL: 89245, 89261, 89570.1

02/04/10 ADOPT: 84074 AMEND: 83074, 83087, 84087, 84274, 86074, 86087, 86574, 89374

Title 23

03/10/10 AMEND: 3005

03/04/10 ADOPT: 2631.2

02/25/10 ADOPT: 3919.6

02/24/10 ADOPT: 3919.7

02/22/10 ADOPT: 2631.2

01/26/10 AMEND: 3939.10

12/15/09 AMEND: 2200

12/01/09	ADOPT: 5.1, 13.1, 13.2, 138 AMEND: 1, 3, 4, 5, 6, 7, 8, 13, 15, 109, 112 Table 8.1, 120, 193 Appendix A	5336, 5338, 5340, 5342, 5344, 5346, 5348, 5350, 5352, 5354, 5356, 5360, 5362, 5364, 5366, 5368 REPEAL: 5042
11/04/09	ADOPT: 2631.2	
Title 24		Title 27
12/02/09	ADOPT: 1-702 AMEND: 1-701	03/10/10 AMEND: 25903
Title 25		12/17/09 ADOPT: 10010 REPEAL: 10010
03/26/10	AMEND: 10001	12/02/09 AMEND: 27001
02/25/10	ADOPT: 6200, 6201, 6202, 6203	Title 28
01/29/10	AMEND: 5000, 5001, 5002, 5010, 5011, 5012, 5013, 5020, 5020.5, 5021, 5022, 5023, 5023.5, 5024, 5025, 5026, 5027, 5028, 5029, 5030, 5032, 5034, 5036, 5038, 5040, 5043, 5050, 5051, 5052, 5053, 5054, 5055, 5056, 5057, 5060, 5061, 5062, 5063, 5070, 5071, 5072, 5073, 5080, 5081, 5082, 5082.5, 5083, 5090, 5094, 5301, 5302, 5304, 5306, 5308, 5310, 5312, 5314, 5316, 5318, 5320, 5322, 5324, 5326, 5328, 5332,	12/18/09 ADOPT: 1300.67.2.2
		Title MPP
		02/26/10 ADOPT: 31-021 AMEND: 31-003, 31-410, 31-501
		01/29/10 ADOPT: 91-101, 91-110, 91-120, 91-130, 91-140
		12/22/09 AMEND: 11-425, 22-001, 22-003, 22-009, 45-302, 45-303, 45-304, 45-305, 45-306
		12/15/09 AMEND: 70-104
		11/10/09 AMEND: 31-002, 31-003 and 31-502